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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. CLARK of Massachusetts).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 18, 2021.

I hereby appoint the Honorable KATHERINE M. CLARK to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Margaret Grun Kibben, offered the following prayer:

Your word is a lamp to our feet and a light to our path, alive and active, judging the thoughts and attitudes of our hearts. Yours is a word which calls us to hear and obey, to live according to the truth and love You lay before us.

Holy God, speak Your word to us today that it would pierce our hearts and judge our thoughts and intentions. Share the insight of Your word with us that it would shed light on our wayward paths, that we would return to the way You would have us live.

Reveal the meaning of Your word when our own perception falls short, that we would understand what You call us to do and who You call us to be.

Time and again, our words have proven inadequate, hurtful, and unwise. We pray Your redemption, O God. Let our speech always be gracious, seasoned with kindness, so that it would serve to build one another up and not tear each other down.

Today and every day, call us back to the words You have provided in scripture, that You would teach us, rebuke us, correct us, and train us in the way of righteousness.

In the strength of Your name we pray.

Amen.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 11(a) of House Resolution 188, the Journal of the last day's proceedings is approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. ESPAILLAT) come forward and lead the House in the Pledge of Allegiance.

Mr. ESPAILLAT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

RECOGNIZING ANGIE HENDERSHOT

(Mr. KILDEE asked and was given permission to address the House for 1 minute.)

Mr. KILDEE. Madam Speaker, today, I rise to recognize an incredible leader in mid-Michigan, Angie Hendershot.

For the past 25 years, my constituents in Flint, Saginaw, and Bay City have welcomed Angie Hendershot into their homes as a reporter and anchor with ABC TV–12. She is a trusted voice in our community. Local reporters like Angie play a vital role in democracy.

For the past 25 years, she has kept mid-Michigan informed and connected through her on-the-ground reporting and investigative journalism. Throughout her course of work, Angie has won many awards, including 10 Emmys and numerous awards from the Associated Press and Michigan Association of Broadcasters.

But for Angie, working at ABC 12 isn't just a job; it is a way to give back to the community she loves. She has demonstrated time and time again her commitment to mid-Michigan throughout her career with volunteerism and charity work. One of those initiatives is the annual diaper drive, where Angie helps to collect donations of diapers, wipes, and cash to help the Flint Diaper Bank supply more than a million diapers to local, needy babies every year.

Madam Speaker, I congratulate Angie on her achievements and this important milestone. I speak for our entire community when I say we look forward to welcoming her into our living rooms for many, many years to come.

Great work, Angie.

PENN STATE'S SEATS FOR SERVICEMEMBERS

(Mr. KELLER asked and was given permission to address the House for 1 minute.)

Mr. KELLER. Madam Speaker, as Americans, we should always honor and support our veterans and Active Duty military personnel. This week, Penn State University kicked off its 10th annual Military Appreciation Week, holding a series of events and ceremonies on behalf of the brave men and women who have served and fought for and continue to fight for our country.

Military Appreciation Week at Penn State culminates this Saturday with the annual military appreciation tailgate and football game at Beaver Stadium. Penn State's Seats for Servicemembers program will give 7,000 complimentary tickets to veterans and servicemembers to enjoy the game.

Moreover, Penn State is now home to the largest stadium in the United States, honoring POW/MIA servicemembers with a chair of honor that will forever remain empty honoring those brave Americans who never returned home.

To Penn State University and the community members who have made this week possible, thank you for your work. We are Penn State.

INFRASTRUCTURE INVESTMENTS FOR TEXAS

(Ms. GARCIA of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GARCIA of Texas. Madam Speaker, I rise today to celebrate the billions of dollars coming to Texas to provide clean water and to weatherize our power grid.

In just the past year and a half, my district has faced a devastating winter storm and a massive pipe burst that put lives at risk. These two events, pictured beside me, demonstrate a simple truth. We are long past due for investments that modernize our electric grid and restore our aging water systems.

That is why I am proud that the infrastructure bill will invest $3.5 billion to prepare power grids for weather emergencies and bring $2.9 billion directly to Texas for clean water. Thanks to this funding, communities like mine will benefit from clean water, reliable power, and peace of mind.

NATIONAL RURAL HEALTH DAY

(Mr. GUEST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUEST. Madam Speaker, I rise today on Thursday, November 18, in honor of National Rural Health Day. My home State of Mississippi is leading the way in rural healthcare innovation, which is important because 54 percent of our State's population lives in rural areas. Thanks to a strong network of hospitals served by dedicated healthcare providers, as well as a world-class telehealth system anchored by the University of Mississippi Medical Center, patients in Mississippi can receive the care they need in their communities.

I am proud of the partnership between two universities in my district to improve health outcomes in rural communities across our State. The University of Mississippi Medical Center, our State's only academic medical center, and Mississippi State University, with its land grant mission and extension expertise, are partnering on critical healthcare and public health challenges and are working together to meet the healthcare needs of their fellow Mississippians.

Madam Speaker, I am grateful for Mississippi's role in advancing rural healthcare and the selfless service of our healthcare providers.

BUILDING BACK GREEN

(Mr. ESPAILLAT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ESPAILLAT. Madam Speaker, I rise today to commend my colleagues for acting to tackle the climate crisis. Under President Biden's leadership, we are celebrating America's efforts to combat our world's largest existential threat: global warming.

Last week, Speaker PELOSI led a diverse group of House Democrats to Glasgow, Scotland. I was part of that group, the COP 26 conference, and our message was clear. The U.S. is proud to be back in the Paris Agreement and will continue to demonstrate our commitment to reach net-zero emissions.

Our commitment was met by action, not only with the agreements that were struck during the conference, but also the sound policies included in the Build Back Better Act. The framework's $555 billion investment represents the largest single investment in our clean energy economy in history. This includes buildings, transportation, industry, electricity, agriculture, and climate-smart practices across lands and waters.

As an environmental justice policy, the Justice40 acknowledges decades of environmental burdens on Black, Brown, and indigenous communities. Upholding this policy is vital to guarantee that communities that have weathered the costs of climate change finally receive commonsense human rights.

Let's build back better. Let's build back green.

ECONOMIC CRISIS

(Mrs. STEEL asked and was given permission to address the House for 1 minute.)

Mrs. STEEL. Madam Speaker, I rise to discuss the rising costs that are crushing hardworking families.

Last week, it was reported that inflation hit a 30-year high. This is a hidden tax on every American that is making your paycheck worth less. Americans are paying more for everything, from groceries, to utilities, to filling up the gas tank.

The cost of a gallon of gas is up 61 percent; utilities up 28 percent; and everyday grocery items, like eggs, milk, and chicken, are all significantly higher.

These numbers have real consequences for not only Orange County families I represent, but nationwide. We need to get our spending under control or these problems will only continue to get worse.

Madam Speaker, I will continue to fight against these policies that are making life for Americans more expensive.

OVERDOSE DEATHS REACH RECORD HIGH

(Mr. GROTHMAN asked and was given permission to address the House for 1 minute.)

Mr. GROTHMAN. Madam Speaker, we got horrible news yesterday; for the first time in the United States, over 100,000 people died from illegal drugs. When I got here 6 years ago, that number was 47,000. By comparison, in 12 years, only 58,000 died in the Vietnam War. Almost twice as many people die in this country every year from illegal drug overdose than died in the entire 12-year period of the Vietnam War.

Today, we look at a major bill, the Build Back Better Act, and we look at what is the effect of the Build Back Better Act on 100,000 deaths. In this bill, we are encouraging more illegal immigration; we are taking more Border Patrol agents off the border and processing young people. And finally, in this bill we are encouraging more people to come here, which inevitably means more fentanyl, more deaths.

Madam Speaker, I ask the majority party to please step back, change the bill to add a few more Border Patrol agents, and change the bill to get out the carrots that are going to encourage more fentanyl and more deaths.

VACCINE MANDATE CONCERNS

(Mr. ROSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSE. Madam Speaker, today, I come to the House floor to speak on behalf of business owners and employees and healthcare providers, including employees at Cookeville Regional Medical Center who are concerned about President Biden's unconstitutional vaccine mandate.

If the Biden administration mandate is allowed to take effect, there is a strong possibility that Cookeville Regional Medical Center, the hospital in my hometown where I was born and where my two sons were born, will not have the staff necessary to carry on normal operations.

The Biden administration's plan to mandate vaccines will devastate medical facilities throughout the country. Let me be clear. President Biden's mandates on medical facilities will dramatically exacerbate the current medical worker shortage in my State and in my district.

While I encourage everyone to consult with their doctors and consider joining me in being vaccinated, it is not the Federal Government's place, under the current circumstances, to mandate a vaccine. That is why I am calling on President Biden to end his indiscriminate vaccine mandate.

□ 1015

INVESTING IN OUR NATION'S FUTURE

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Madam Speaker, we are at critical crossroads as we work to recover after the health and economic crises caused by the COVID–19 pandemic here at home and around the world.

As we look to our future, we are going to build back better to create an economy that works for every American and all families that leaves no one behind. This is a once-in-a-generation opportunity to transform the lives of millions of Americans by reducing costs for everything from prescription drugs to childcare; creating good-paying union jobs by addressing the urgency of the climate crisis; cutting taxes for working families; and making sure that none of these investments add to the deficit by making the wealthiest individuals and largest corporations pay their fair share in taxes.

Madam Speaker, I urge all of my colleagues to support this investment in our Nation's future.

FREEDOM TO VOTE

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE. Madam Speaker, over the last couple of months, hundreds of individuals have come to Washington from all over the country to protest the lack of the passage of the Voting Rights Act, the John Robert Lewis Voting Rights Act, and, as well, the Freedom to Vote Act.

Freedom to Vote and John Robert Lewis voting laws are the underpinnings of this great Nation. It exemplifies the beginning of the Constitution, that we were created to create a more perfect Union. It underlies the elimination of slavery, the right to vote for all people, and due process.

We must move these important, crucial legislative initiatives that are more than laws; they are the very heart of this Nation.

The Senate must move. It must move now.

More people are coming. They will be arrested, and they are insisting that we move.

I am ready—I know we are, this House under Democratic leadership—to pass both bills. We seek this legislation now. We cannot wait.

People want to vote, and they want to vote safely, and they want to end the big lie. Let's vote.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 18, 2021.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 18, 2021, at 9:46 a.m.:

That the Senate passed without amendment H.R. 5142

With best wishes, I am,

Sincerely,

CHERYL L. JOHNSON,
Clerk.

BUILD BACK BETTER ACT

Mr. YARMUTH. Madam Speaker, pursuant to House Resolution 774, I call up the bill (H.R. 5376) to provide for reconciliation pursuant to title II of S. Con. Res. 14, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 774, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 117–18, modified by the amendment printed in House Report 117–173, is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 5376

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—COMMITTEE ON AGRICULTURE

Subtitle A—General Provisions

SEC. 10001. DEFINITIONS.

In this title:

(1) The term ''insular area'' has the meaning given such term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103).

(2) The term ''Secretary'' means the Secretary of Agriculture.

Subtitle B—Forestry

SEC. 11001. NATIONAL FOREST SYSTEM RESTORATION AND FUELS REDUCTION PROJECTS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $10,000,000,000 for hazardous fuels reduction projects on National Forest System land within the wildland-urban interface;

(2) $4,000,000,000 for, on a determination made solely by the Secretary that hazardous fuels reduction projects within the wildland-urban interface described in paragraph (1) have been planned to protect, to the extent practicable, at-risk communities, hazardous fuels reduction projects on National Forest System land outside the wildland-urban interface that are—

(A) primarily noncommercial in nature, provided that, in accordance with the best available science, the harvest of merchantable materials shall be ecologically appropriate for restoration and to enhance ecological health and function, and any sale of merchantable materials under this paragraph shall be limited to small diameter trees or biomass that are a by-product of hazardous fuel reduction projects;

(B) collaboratively developed; and

(C) carried out in a manner that enhances the ecological integrity and achieves the restoration of a forest ecosystem; maximizes the retention of old-growth and large trees, as appropriate for the forest type; and prioritizes prescribed fire as the primary means to achieve modified wildland fire behavior;

(3) $1,000,000,000 for vegetation management projects carried out solely on National Forest System land that the Secretary shall select following the receipt of proposals submitted in accordance with subsections (a), (b), and (c) of section 4003 of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303);

(4) $400,000,000 for vegetation management projects on National Forest System land carried out in accordance with a water source management plan or a watershed protection and restoration action plan;

(5) $400,000,000 for vegetation management projects on National Forest System land that—

(A) maintain, or contribute toward the restoration of, reference old growth characteristics, including structure, composition, function, and connectivity;

(B) prioritize small diameter trees and prescribed fire to modify fire behavior; and

(C) maximize the retention of large trees, as appropriate for the forest type;

(6) $450,000,000 for the Legacy Roads and Trails program of the Forest Service;

(7) $350,000,000 for National Forest System land management planning and monitoring, prioritized on the assessment of watershed, ecological, and carbon conditions on National Forest System land and the revision and amendment of older land management plans that present opportunities to protect, maintain, restore, and monitor ecological integrity, ecological conditions for at-risk species, and carbon storage;

(8) $100,000,000 for maintenance of trails on National Forest System land, with a priority on trails that provide to underserved communities access to National Forest System land;

(9) $100,000,000 for capital maintenance and improvements on National Forest System land, with a priority on maintenance level 3, 4, and 5 roads and improvements that restore ecological integrity and conditions for at-risk species;

(10) $100,000,000 to provide for more efficient and more effective environmental reviews by the Chief of the Forest Service in satisfying the obligations of the Chief of the Forest Service under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 through 4370m–12);

(11) $50,000,000 to develop and carry out activities and tactics for the protection of older and mature forests on National Forest System land, including completing an inventory of older and mature forests within the National Forest System;

(12) $50,000,000 to develop and carry out activities and tactics for the maintenance and restoration of habitat conditions necessary for the protection and recovery of at-risk species on National Forest System land;

(13) $50,000,000 to carry out post-fire recovery plans on National Forest System land that emphasize the use of locally adapted native plant materials to restore the ecological integrity of disturbed areas and do not include salvage logging; and

(14) $50,000,000 to develop and carry out nonlethal activities and tactics to reduce human-wildlife conflicts on National Forest System land.

(b) PRIORITY FOR FUNDING.—For projects described in paragraphs (1) through (5) of subsection (a), the Secretary shall prioritize for implementation projects—

(1) for which an environmental assessment or an environmental impact statement required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 through 4370m–12) has been completed;

(2) that are collaboratively developed; or

(3) that include opportunities to restore sustainable recreation infrastructure or access or

accomplish other recreation outcomes on National Forest System lands, if the opportunities are compatible with the primary restoration purposes of the project.

(c) LIMITATIONS.—None of the funds made available by this section may be used for any activity—

(1) conducted in a wilderness area or wilderness study area;

(2) that includes the construction of a permanent road or permanent trail;

(3) that includes the construction of a temporary road, except in the case of a temporary road that is decommissioned by the Secretary not later than 3 years after the earlier of—

(A) the date on which the temporary road is no longer needed; and

(B) the date on which the project for which the temporary road was constructed is completed;

(4) inconsistent with the applicable land management plan;

(5) inconsistent with the prohibitions of the rule of the Forest Service entitled ''Special Areas; Roadless Area Conservation'' (66 Fed. Reg. 3244 (January 12, 2001)), as modified by subparts C and D of part 294 of title 36, Code of Federal Regulations; or

(6) carried out on any land that is not National Forest System land, including other forested land on Federal, State, Tribal, or private land.

(d) DEFINITIONS.—In this section:

(1) AT-RISK COMMUNITY.—The term ''at-risk community'' has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

(2) COLLABORATIVELY DEVELOPED.—The term ''collaboratively developed'' means, with respect to a project located exclusively on National Forest System land, that the project is developed and implemented through a collaborative process that—

(A) includes multiple interested persons representing diverse interests, except such persons shall not be employed by the Federal government or be representatives of foreign entities; and

(B)(i) is transparent and nonexclusive; or

(ii) meets the requirements for a resource advisory committee under subsections (c) through (f) of section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125).

(3) DECOMMISSION.—The term ''decommission'' means, with respect to a road—

(A) reestablishing native vegetation on the road;

(B) restoring any natural drainage, watershed function, or other ecological processes that were disrupted or adversely impacted by the road by removing or hydrologically disconnecting the road prism and reestablishing stable slope contours; and

(C) effectively blocking the road to vehicular traffic, where feasible.

(4) ECOLOGICAL INTEGRITY.—The term ''ecological integrity'' has the meaning given the term in section 219.19 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) HAZARDOUS FUELS REDUCTION PROJECT.—The term ''hazardous fuels reduction project'' means an activity, including the use of prescribed fire, to protect structures and communities from wildfire that is carried out on National Forest System land.

(6) RESTORATION.—The term ''restoration'' has the meaning given the term in section 219.19 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(7) VEGETATION MANAGEMENT PROJECT.—The term ''vegetation management project'' means an activity carried out on National Forest System land to enhance the ecological integrity and achieve the restoration of a forest ecosystem through the removal of vegetation, the use of prescribed fire, the restoration of aquatic habitat, or the decommissioning of an unauthorized, temporary, or system road.

(8) WATER SOURCE MANAGEMENT PLAN.—The term ''water source management plan'' means a plan developed under section 303(d)(1) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6542(d)(1)).

(9) WATERSHED PROTECTION AND RESTORATION ACTION PLAN.—The term ''watershed protection and restoration action plan'' means a plan developed under section 304(a)(3) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6543(a)(3)).

(10) WILDLAND-URBAN INTERFACE.—The term ''wildland-urban interface'' has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

(e) LIMITATIONS.—Nothing in this section shall be interpreted to authorize funds of the Commodity Credit Corporation for activities under this section if such funds are not expressly authorized or currently expended for such purposes.

(f) COST-SHARING REQUIREMENT.— Any partnership agreements, including cooperative agreements and mutual interest agreements, using funds made available under this section shall be subject to a non-Federal cost-share requirement of not less than 20 percent of the project cost, which may be waived at the discretion of the Secretary.

SEC. 11002. NON-FEDERAL LAND FOREST RESTORATION AND FUELS REDUCTION PROJECTS AND RESEARCH.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $2,000,000,000 to award grants to Tribal, State, or local governments or the government of the District of Columbia, regional organizations, special districts, or nonprofit organizations to support, on non-Federal land, forest restoration and resilience projects, including projects to reduce the risk of wildfires and establish defensible space around structures within at-risk communities (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511));

(2) $1,000,000,000 to award grants to Tribal, State, or local governments or the government of the District of Columbia, regional organizations, special districts, or nonprofit organizations to implement community wildfire protection plans (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511)) in existence on the date of the enactment of this Act, purchase firefighting equipment, provide firefighter training, and increase the capacity for planning, coordinating, and monitoring projects on non-Federal land to protect at-risk communities (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511));

(3) $250,000,000 to award grants to Tribal, State, or local governments or the government of the District of Columbia, regional organizations, special districts, or nonprofit organizations for projects on non-Federal land to aid in the recovery and rehabilitation of burned forested areas, including reforestation;

(4) $175,000,000 to award grants to Tribal, State, or local governments or the government of the District of Columbia, regional organizations, special districts, or nonprofit organizations for projects on non-Federal land to expand equitable outdoor access and promote tourism on non-Federal forested land for members of underserved groups;

(5) $150,000,000 for the State Fire Assistance and Volunteer Fire Assistance programs established under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 through 2114) to be distributed at the discretion of the Secretary;

(6) $150,000,000 for the implementation of State-wide forest resource strategies under section 2A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101a);

(7) $250,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) for providing through that program a cost share to carry out climate mitigation or forest resilience practices in the case of underserved forest landowners, subject to the condition that subsection (h) of that section shall not apply;

(8) $250,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) for providing through that program grants to support the participation of underserved forest landowners in emerging private markets for climate mitigation or forest resilience, subject to the condition that subsection (h) of that section shall not apply;

(9) $250,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) for providing through that program grants to support the participation of forest landowners who own less than 2,500 acres of forest land in emerging private markets for climate mitigation or forest resilience, subject to the condition that subsection (h) of that section shall not apply;

(10) $500,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) to provide grants to states and other eligible entities to provide payments to owners of private forest land for implementation of forestry practices on private forest land, that are determined by the Secretary, based on the best available science, to provide measurable increases in carbon sequestration and storage beyond customary practices on comparable land, subject to the conditions that—

(A) those payments shall not preclude landowners from participation in other public and private sector financial incentive programs; and

(B) subsection (h) of that section shall not apply;

(11) $50,000,000 for the forest inventory and analysis program established under section 3(e) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642(e)) for activities and tactics to accelerate and expand existing research efforts to improve forest carbon monitoring technologies to better predict changes in forest carbon due to climate change;

(12) $100,000,000 for the forest inventory and analysis program established under section 3(e) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642(e)) to carry out recommendations from a panel of relevant experts convened by the Secretary that has reviewed and, based on the review, issued recommendations regarding the current priorities and future needs of the forest inventory and analysis program with respect to climate change, forest health, sustainable wood products, and increasing carbon storage in forests;

(13) $50,000,000 for the forest inventory and analysis program established under section 3(e) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642(e)) to provide enhancements to the technology managed and used by the forest inventory and analysis program, including cloud computing and remote sensing for purposes such as small area estimation;

(14) $775,000,000 to provide grants under the wood innovation grant program under section 8643 of the Agriculture Improvement Act of 2018 (7 U.S.C. 7655d), including for the construction of new facilities that advance the purposes of the program, subject to the conditions that the amount of such a grant shall be not more than $5,000,000; notwithstanding subsection (d) of that section, a recipient of such a grant shall provide funds equal to not less than 50 percent of the amount received under the grant, to be derived from non-Federal sources; and a priority shall be placed on projects that create a financial model for addressing forest restoration needs on public or private forest land; and

(15) $50,000,000 for the research mission area of the Forest Service to carry out greenhouse

gas life cycle analyses of domestic wood products.

(b) FUNDING FOR RESTORATION ON NON-FEDERAL AREAS BY STATES.—The Secretary may use amounts made available by this section to carry out eligible projects as determined by the Secretary, authorized in subsection (a) on non-Federal land upon the request of the Governor of that State, or, in the case of the District of Columbia, the Mayor.

(c) COST-SHARING REQUIREMENT.—Any partnership agreements, including cooperative agreements and mutual interest agreements, using funds made available under this section shall be subject to a non-Federal cost-share requirement of not less than 20 percent of the project cost, which may be waived at the discretion of the Secretary.

(d) LIMITATIONS.—Nothing in this section shall be interpreted to authorize funds of the Commodity Credit Corporation for activities under this section if such funds are not expressly authorized or currently expended for such purposes.

SEC. 11003. STATE AND PRIVATE FORESTRY CONSERVATION PROGRAMS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $1,250,000,000 to provide competitive grants to States through the Forest Legacy Program established under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) to acquire land and interests in land, with priority given to grant applications that offer significant natural carbon sequestration benefits, contribute to the resilience of community infrastructure, local economies, or natural systems, or provide benefits to underserved populations;

(2) $2,500,000,000 to provide multi-year, programmatic, competitive grants to a State agency, a local governmental entity, and agency or governmental entity of the District of Columbia, an Indian Tribe, or a nonprofit organization through the Urban and Community Forestry Assistance program established under section 9(c) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105(c)) for tree planting and related activities to increase tree equity and community tree canopy and associated societal and climate co-benefits, with a priority for projects that benefit underserved populations; and

(3) $100,000,000 for the acquisition of urban and community forests through the Community Forest and Open Space Program of the Forest Service.

(b) WAIVER.—Any non-Federal cost-share requirement otherwise applicable to projects carried out under this section may be waived at the discretion of the Secretary.

SEC. 11004. LIMITATION.

The funds made available under this subtitle are subject to the condition that the Secretary shall not—

(1) enter into any agreement—

(A) that is for a term extending beyond September 30, 2031; or

(B) under which any payment could be outlaid or funds disbursed after September 30, 2031; or

(2) use any other funds available to the Secretary to satisfy obligations initially made under this subtitle.

SEC. 11005. APPROPRIATIONS.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000 to remain available until September 30, 2031, for administrative costs of the agencies and offices of the Department of Agriculture for costs related to implementing this subtitle.

Subtitle C—Rural Development and Agricultural Credit and Outreach

PART 1—RURAL DEVELOPMENT

SEC. 12001. ADDITIONAL SUPPORT FOR USDA RURAL WATER PROGRAMS.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, and notwithstanding sections 381E through 381H and 381N of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d through 2009g and 2009m), $97,000,000, to remain available until September 30, 2031, for the cost of grants for rural water and waste water programs authorized by sections 306, 306C, and 306D and described in sections 306C(a)(2) and 306D of the Consolidated Farm and Rural Development Act in persistent poverty counties (or, notwithstanding any population limits specified in section 343 of the Consolidated Farm and Rural Development Act, a county seat of a persistent poverty county with a population that does not exceed the authorized population limit by more than 10 percent), Tribal lands, colonias, and insular areas, subject to the condition that the performance of any construction work completed with amounts provided under this section meet the condition described in section 9003(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103(f)).

SEC. 12002. USDA RURAL WATER GRANTS FOR LEAD REMEDIATION.

In addition to amounts otherwise made available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated and notwithstanding sections 381E through 381H and 381N of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d through 2009g and 2009m), $970,000,000, to remain available until September 30, 2031, notwithstanding section 306C(a)(2)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926c(a)(2)(A)), for grants under sections 306C(a)(1)(A) and 306(a)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926c(a)(1)(A) and 1926(a)(2)) for the purpose of replacement of service lines that contain lead, subject to the condition that the performance of any construction work completed with amounts provided under this section meet the condition described in section 9003(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103(f)).

SEC. 12003. ADDITIONAL FUNDING FOR ELECTRIC LOANS FOR RENEWABLE ENERGY.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,880,000,000, to remain available until September 30, 2031, for the cost of loans under section 317 of the Rural Electrification Act of 1936 (7 U.S.C. 940g), including for projects that store electricity that supports the types of eligible projects under such section, which shall be forgiven in whole or in part based on how the borrower and the project meets the terms and conditions for loan forgiveness consistent with the purposes of such section established by the Secretary, subject to the condition that the performance of any construction work completed with amounts provided under this section meet the condition described in section 9003(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103(f)).

(b) LIMITATION.—The Secretary shall not enter into any loan agreement pursuant to this section that could result in disbursements after September 30, 2031.

SEC. 12004. RURAL ENERGY SAVINGS PROGRAM.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available until September 30, 2031, to carry out section 6407 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a) and this section, subject to the condition that the performance of any construction work completed with amounts provided under this section meet the condition described in section 9003(f) of such Act (7 U.S.C. 8103(f)).

(b) USE OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection, at the election of an eligible entity (as defined in section 6407(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a(b))) to which a loan is made under section 6407(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a(c)), the Secretary shall make a grant to the eligible entity in an amount equal to not more than 5 percent of the loan amount for the purposes of costs incurred in—

(A) applying for a loan received under section 6407(c) of such Act;

(B) making a loan under section 6407(d) of such Act;

(C) making repairs to the property of a qualified consumer that facilitate the energy efficiency measures for the property financed through a loan under section 6407(d) of such Act;

(D) entering into a contract under section 6407(e) of such Act; or

(E) carrying out the duties of an eligible entity under section 6407 of such Act.

(2) PERSISTENT POVERTY COUNTIES.—In the case that the grant is for the purpose of making a loan under section 6407(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a(d)) to a qualified consumer (as defined in section 6407(b) of such Act) in a persistent poverty county (as determined by the Secretary), the percentage limitation in paragraph (1) of this subsection shall be 10 percent.

(c) LIMITATION.—The Secretary shall not enter into any loan agreement pursuant to this section that could result in disbursements after September 30, 2031, or any grant agreement pursuant to this section that could result in any outlays after September 30, 2031.

SEC. 12005. RURAL ENERGY FOR AMERICA PROGRAM.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, for eligible projects under section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107) and subject to the conditions that the performance of any construction work completed with amounts provided under this subsection meet the condition described in section 9003(f) of such Act, and notwithstanding section 9007(c)(3)(A) of such Act, the amount of a grant shall not exceed 50 percent of the cost of the activity carried out using the grant funds—

(1) $820,250,000 for fiscal year 2022, to remain available until September 30, 2031; and

(2) $180,276,500 for each of fiscal years 2023 through 2027, to remain available until September 30, 2031.

(b) UNDERUTILIZED RENEWABLE ENERGY TECHNOLOGIES.—In addition to amounts otherwise available, there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, to provide grants and loans guaranteed by the Secretary (including the costs of such loans) under the program described in subsection (a) of this section relating to underutilized renewable energy technologies, and to provide technical assistance for applying to the program described in subsection (a) of this section, including for underutilized renewable energy technologies, subject to the conditions that the performance of any construction work completed with amounts provided under this subsection meet the condition described in section 9003(f) of such Act and, notwithstanding section 9007(c)(3)(A) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107(c)(3)(A)), the amount of a grant shall not exceed 50 percent of

the cost of the activity carried out using the grant funds, and to the extent the following amounts remain available at the end of each fiscal year, the Secretary shall use such amounts in accordance with subsection (a) of this section—

(1) $144,750,000 for fiscal year 2022, to remain available until September 30, 2031; and

(2) $31,813,500 for each of fiscal years 2023 through 2027, to remain available until September 30, 2031.

(c) LIMITATION.—The Secretary shall not enter into any loan agreement pursuant to this section that could result in disbursements after September 30, 2031 or any grant agreement pursuant to this section that could result in any outlays after September 30, 2031.

SEC. 12006. BIOFUEL INFRASTRUCTURE AND AGRICULTURE PRODUCT MARKET EXPANSION.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $960,000,000, to remain available until September 30, 2031, to carry out this section.

(b) USE OF FUNDS.—The Secretary shall use the amounts made available by subsection (a) to provide grants, for which the Federal share shall be not more than 75 percent of the total cost of carrying out a project for which the grant is provided, on a competitive basis, to transportation fueling facilities and distribution facilities, including fueling stations, convenience stores, hypermarket retailer fueling stations, fleet facilities, as well as fuel terminal operations, mid-stream partners, and heating oil distribution facilities or equivalent entities, subject to the condition that the performance of any construction work completed with amounts provided under this section shall meet the condition described in section 9003(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103(f))—

(1) to install, retrofit, or otherwise upgrade fuel dispensers or pumps and related equipment, storage tank system components, and other infrastructure required at a location related to dispensing certain biofuels blends to ensure the increased sales of fuels with high levels of commodity-based ethanol and biodiesel that are at or greater than the levels required in the Notice of Funding Availability for the Higher Blends Infrastructure Incentive Program for Fiscal Year 2020, published in volume 85 of the Federal Register (85 Fed. Reg. 26656), as determined by the Secretary; and

(2) to build and retrofit distribution systems for ethanol blends, traditional and pipeline biodiesel terminal operations (including rail lines), and home heating oil distribution centers or equivalent entities—

(A) to blend biodiesel; and

(B) to carry ethanol and biodiesel.

(c) LIMITATION.—The Secretary may not limit the amount of funding an eligible entity may receive under this section.

SEC. 12007. USDA ASSISTANCE FOR RURAL ELECTRIC COOPERATIVES.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $9,700,000,000, to remain available until September 30, 2031, for the long-term resiliency, reliability, and affordability of rural electric systems, by providing to an eligible entity (defined as an electric cooperative described in section 501(c)(12) or 1381(a)(2) of the Internal Revenue Code of 1986 and is or has been a Rural Utilities Service electric loan borrower pursuant to the Rural Electrification Act of 1936 or serving a predominantly rural area) assistance under paragraphs (1) and (2) by awarding such assistance to eligible entities for purposes described in section 310B(a)(2)(C) of the Consolidated Farm and Rural Development Act (provided that the term renewable energy system in that paragraph has the meaning given such term in section 9001(16) of the Farm Security and Rural Investment Act of 2002) and for carbon capture and storage systems, that will achieve the greatest reduction in greenhouse gas emissions associated with rural electric systems using such assistance and that will otherwise aid disadvantaged rural communities (as determined by the Secretary), subject to the condition that any construction work completed with amounts provided under this section shall meet the condition described in section 9003(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103(f)), when—

(1) making grants and loans (including the cost of loans and modifications thereof) to purchase renewable energy (as defined in section 9001(15) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101(15))), purchase renewable energy systems (as defined in section 9001(16) of that Act (7 U.S.C. 8101(16))), and carbon capture and storage systems, deploy such systems, or make energy efficiency improvements after the date of enactment of this Act; and

(2) making grants for debt relief and other costs associated with terminating, after the date of enactment of this Act or up to one year prior to the date of enactment, the use of—

(A) facilities operating on nonrenewable energy; and

(B) related transmission assets.

(b) LIMITATION.—No eligible entity may receive an amount equal to more than 10 percent of the total amount made available by this section.

(c) PROHIBITION.—Nothing in this section shall be interpreted to authorize funds of the Commodity Credit Corporation for activities under this section if such funds are not expressly authorized or currently expended for such purposes.

SEC. 12008. RURAL PARTNERSHIP PROGRAM.

(a) RURAL PROSPERITY DEVELOPMENT GRANTS.—

(1) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $873,000,000, to remain available until September 30, 2031, to provide grants to support rural development under this subsection, subject to the condition that the recipient of a grant under this subsection shall contribute a non-Federal match of 25 percent of the amount of the grant, which may be satisfied through an in-kind contribution, except that the Secretary may waive such matching requirement on a finding that the recipient of the applicable grant is economically distressed.

(2) ALLOCATION OF FUNDS.—

(A) FORMULA.—The Secretary shall establish a formula pursuant to which the Secretary shall allocate, for each State and for Tribal governments, an amount to be provided under this subsection to eligible applicants described in paragraph (3).

(B) REQUIREMENTS.—

(i) FORMULA.—The formula established under subparagraph (A) shall include a graduated scale for the amount to be allocated under this subsection for eligible applicants in each State and eligible applicants of Tribal governments, with higher amounts provided based on lower populations and lower income levels, as determined by the Secretary.

(ii) AWARD.—In awarding grants under this subsection to eligible applicants in each State and eligible applicants of Tribal governments, the Secretary shall give priority to eligible applicants representing a micropolitan statistical area (as defined by the Office of Management and Budget in OMB Bulletin No. 20-01 (effective March 2020) and any subsequent updates) and 1 or more rural areas contiguous to that micropolitan statistical area or eligible applicants representing high poverty areas (as determined by the Secretary) provided that the Secretary may award additional grants or funding under this subsection to implement activities pursuant to a rural development plan upon the Secretary's approval of the recipient's plan and report on the use of each grant provided to the recipient under this subsection.

(3) ELIGIBLE APPLICANTS.—The Secretary may make a grant under this subsection to a partnership no member of which has received a grant under subsection (b) and that—

(A) is composed of entities representing a region composed of 1 or more rural areas, including—

(i) except as provided in subparagraph (B), 1 or more of—

(I) a unit of local government;

(II) a Tribal government; or

(III) an authority, agency, or instrumentality of an entity described in subclauses (I) or (II); and

(ii) a qualified nonprofit or for-profit organization, as determined by the Secretary;

(B) does not include a member described in subparagraph (A)(i), but demonstrates significant community support sufficient to support a likelihood of success on the proposed projects, as determined by the Secretary; and

(C) demonstrates, as determined by the Secretary, cooperation among the members of the partnership necessary to complete comprehensive rural development, through aligning government investment, leveraging nongovernmental resources, building economic resilience, and aiding economic recovery, including in communities impacted by economic transitions and climate change.

(4) ELIGIBLE ACTIVITIES.—The use of grant funds provided under this subsection may be used for the following purposes, provided that, where applicable, the performance of any construction work completed with the grant funds shall meet the condition described in section 9003(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103(f)):

(A) Conducting comprehensive rural development and pre-development activities and planning.

(B) Supporting organizational operating expenses relating to the rural development activities for which the grant was provided.

(C) Implementing planned rural development activities and projects.

(5) LIMITATION.—Not more than 25 percent of amounts received by a recipient of a grant under this subsection may be used to satisfy a Federal matching requirement.

(b) RURAL PROSPERITY INNOVATION GRANTS.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $97,000,000, to remain available until September 30, 2031, to provide grants to entities that have not received a grant under subsection (a) and that is a qualified nonprofit corporation that serves rural areas (as determined by the Secretary) or an institution of higher education that serves rural areas (as determined by the Secretary), subject to the condition that the recipient of such grant shall contribute a non-Federal match of 20 percent of the amount of the grant, which may be used—

(1) to support activities of the recipient relating to—

(A) development and predevelopment planning aspects of rural development; and

(B) organizational capacity-building necessary to support the rural development activities funded by the grant; and

(2) to support the recipient of a grant under subsection (a) in carrying out activities for which that grant was provided.

(c) DEFINITIONS.—In this section:

(1) RURAL AREA.—The term ''rural area'' has the meaning given the term in section 343(a)(13)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)(C)).

(2) STATE.—The term ''State'' has the meaning given the term in section 1404 of the National

Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103).

SEC. 12009. ADDITIONAL USDA RURAL DEVELOPMENT ADMINISTRATIVE FUNDS.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $553,000,000, to remain available until September 30, 2031, for administrative costs and salaries and expenses for the Rural Development mission area and expenses of the agencies and offices of the Department for costs related to implementing this part.

PART 2—AGRICULTURAL CREDIT AND OUTREACH

SEC. 12101. ASSISTANCE FOR CERTAIN FARM LOAN BORROWERS.

Section 1005 of the American Rescue Plan Act of 2021 (Public Law 117–2) is amended to read as follows:

''SEC. 1005. ASSISTANCE FOR CERTAIN FARM LOAN BORROWERS.

''(a) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of amounts in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

''(1) such sums as may be necessary for the cost of payments under subsection (b); and

''(2) $1,020,000,000 to provide payments or loan modifications or otherwise carry out the authorities under section 331(b)(4) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981(b)(4)), using a centralized process administered from the national office, for Farm Service Agency direct loan and loan guarantee borrowers, focusing on borrowers who are at risk (as determined by the Secretary of Agriculture using factors that may include whether the borrower is a limited resource farmer or rancher, the amount of payments received by the borrower during calendar years 2020 and 2021 under the Coronavirus Food Assistance Program of the Department of Agriculture, and other factors, as determined by the Secretary).

''(b) PAYMENTS.—

''(1) IN GENERAL.—The Secretary shall provide a payment in an amount up to 100 percent of the outstanding indebtedness of each economically distressed borrower on eligible farm debt.

''(2) OTHER PAYMENTS.—

''(A) IN GENERAL.—For each farmer and rancher with outstanding indebtedness on eligible farm debt that does not qualify for a payment under paragraph (1), the Secretary shall provide a payment that is equal to, subject to subparagraph (B), the lesser of—

''(i) the amount of the outstanding indebtedness of the farmer or rancher on eligible farm debt; and

''(ii) $150,000.

''(B) REDUCTION.—A payment determined under subparagraph (A) shall be reduced by the amount equal to the sum obtained by adding—

''(i) the total of the payments received by the farmer or rancher during calendar year 2020 pursuant to the Coronavirus Food Assistance Program of the Department of Agriculture; and

''(ii) the total of the payments received by the farmer or rancher during calendar years 2018 and 2019 pursuant to the Market Facilitation Program of the Department of Agriculture.

''(c) DEFINITIONS.—In this section:

''(1) ECONOMICALLY DISTRESSED BORROWER.—The term 'economically distressed borrower' means a farmer or rancher that, as determined by the Secretary—

''(A) was 90 days or more delinquent with respect to an eligible farm debt as of April 30, 2021;

''(B) was 90 days or more delinquent with respect to an eligible farm debt as of December 31, 2020;

''(C) operates a farm or ranch whose headquarters of operation, as determined by the Secretary, location is—

''(i) in a county with a poverty rate of not less than 20 percent, as determined—

''(I) in the 1990 or 2000 decennial census; or

''(II) in the Small Area Income and Poverty Estimates of the Bureau of the Census for the most recent year for which the Estimates are available as of the date of enactment of the Act entitled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14';

''(ii) in a ZIP Code with a poverty rate of not less than 20 percent, as determined by the Secretary; or

''(iii) on land held in trust by the United States for the benefit of an Indian Tribe or an individual Indian;

''(D) owes more interest than principal with respect to an eligible farm debt as of July 31, 2021;

''(E) is undergoing bankruptcy or foreclosure or is in other financially distressed categories, as determined by the Secretary, as of July 31, 2021;

''(F) received a Department of Agriculture disaster set aside after January 1, 2020;

''(G) has restructured an eligible farm debt 3 or more times as of July 31, 2021; or

''(H) has restructured an eligible farm debt on or after January 1, 2020.

''(2) ELIGIBLE FARM DEBT.—

''(A) IN GENERAL.—The term 'eligible farm debt' means a debt owed to the United States by a farmer or rancher that was issued as a direct loan administered by the Farm Service Agency under subtitle A, B, or C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922 through 1970) and was outstanding or otherwise not paid as of December 31, 2020, or July 31, 2021.

''(B) AMOUNT.—The amount of eligible farm debt with respect to a borrower shall be equal to the amount of eligible farm debt outstanding as of a date determined by the Secretary, but no sooner than the date of enactment of the Act entitled 'An Act to provide for reconciliation pursuant to title II of S. Con Res. 14', plus the total of all loan payments on eligible farm debt made by the borrower in calendar year 2021.

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

''(d) LIMITATION.—The Secretary shall not enter into any loan agreement pursuant to this section that could result in disbursements after September 30, 2031 or any grant agreement pursuant to this section that could result in any outlays after September 30, 2031.''.

SEC. 12102. USDA ASSISTANCE AND SUPPORT FOR UNDERSERVED FARMERS, RANCHERS, AND FORESTERS.

Section 1006 of the American Rescue Plan Act of 2021 (Public Law 117–2) is amended to read as follows:

''SEC. 1006. USDA ASSISTANCE AND SUPPORT FOR UNDERSERVED FARMERS, RANCHERS, FORESTERS.

''(a) TECHNICAL AND OTHER ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $200,000,000 to provide outreach, mediation, financial training, capacity building training, cooperative development and agricultural credit training and support, and other technical assistance on issues concerning food, agriculture, agricultural credit, agricultural extension, rural development, or nutrition to underserved farmers, ranchers, or forest landowners, including veterans, limited resource producers, beginning farmers and ranchers, and farmers, ranchers, and forest landowners living in high poverty areas.

''(b) LAND LOSS ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $200,000,000 to provide grants and loans to eligible entities, as determined by the Secretary, to improve land access (including heirs' property and fractionated land issues) for underserved farmers, ranchers, and forest landowners, including veterans, limited resource producers, beginning farmers and ranchers, and farmers, ranchers, and forest landowners living in high poverty areas.

''(c) EQUITY COMMISSIONS.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $10,000,000 to fund the activities of one or more equity commissions that will address racial equity issues within the Department of Agriculture and the programs of the Department of Agriculture.

''(d) RESEARCH, EDUCATION, AND EXTENSION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $189,000,000 to support and supplement agricultural research, education, and extension, as well as scholarships and programs that provide internships and pathways to agricultural sector or Federal employment, for 1890 Institutions (as defined in section 2 of the Agricultural, Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601)), 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382)), Alaska Native serving institutions and Native Hawaiian serving institutions eligible to receive grants under subsections (a) and (b), respectively, of section 1419B of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3156), Hispanic-serving institutions eligible to receive grants under section 1455 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241), and the insular area institutions of higher education located in the territories of the United States, as referred to in section 1489 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3361).

''(e) DISCRIMINATION FINANCIAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $750,000,000 for a program to provide financial assistance to farmers, ranchers, or forest landowners determined to have experienced discrimination prior to January 1, 2021, in Department of Agriculture farm lending programs, under which the amount of financial assistance provided to a recipient may be not more than $500,000 as appropriate in relation to any consequences experienced from the discrimination, which program shall be administered through 1 or more qualified nongovernmental entities selected by the Secretary subject to standards set and enforced by the Secretary, subject to the condition that any selected entity administering the program shall return the funds to the Secretary on the request of the Secretary if the standards are not adequately carried out or the administration of the program is not otherwise sufficient or if any funds provided to the selected entity are not distributed on the date that is 5 years after the date of enactment of the Act entitled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', and any such returned funds shall be available for obligation for any activity authorized under this section, except subsections (c) and (f).

''(f) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $35,000,000 for administrative costs, including training employees, of the agencies and offices of the Department of Agriculture to carry out this section.

''(g) LIMITATION.—The funds made available under subsection (d) are subject to the condition that the Secretary shall not—

''(1) enter into any agreement—

''(A) that is for a term extending beyond September 30, 2031; or

''(B) under which any payment could be outlaid or funds disbursed after September 30, 2031; or

''(2) use any other funds available to the Secretary to satisfy obligations initially made under subsection (d).''.

Subtitle D—Research and Urban Agriculture

SEC. 13001. DEPARTMENT OF AGRICULTURE RESEARCH FUNDING.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) to the National Agricultural Statistics Service, for measurements, a survey, and data collection to conduct the study required under section 7212(b) of the Agriculture Improvement Act of 2018 (Public Law 115–334; 132 Stat. 4812), which shall be completed not later than December 31, 2022, $5,000,000 for fiscal year 2022;

(2) to the National Institute of Food and Agriculture—

(A) to fund agricultural education, extension, and research relating to climate change—

(i) through the Agriculture and Food Research Initiative established by subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 3157(b)), $210,000,000 for fiscal year 2022;

(ii) through the sustainable agriculture research education program established under sections 1619, 1621, 1622, 1628, and 1629 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5801, 5811, 5812, 5831, 5832), $120,000,000 for fiscal year 2022;

(iii) through the organic agriculture research and extension initiative established under section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b), $60,000,000 for fiscal year 2022;

(iv) through the urban, indoor, and other emerging agricultural production research, education, and extension initiative established under section 1672E of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925g), $5,000,000 for fiscal year 2022;

(v) through the centers of excellence led by 1890 Institutions established under section 1673(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5926(d)), $5,000,000 for fiscal year 2022;

(vi) through the specialty crop research and extension initiative established by section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632), $60,000,000 for fiscal year 2022;

(vii) through the cooperative extension under the Smith-Lever Act (7 U.S.C. 341 through 349) for agricultural extension activities and research relating to climate change, technical assistance, and technology adoption, $80,000,000 for fiscal year 2022;

(viii) through the cooperative extension at 1994 Institutions in accordance with section 3(b)(3) of the Smith-Lever Act (7 U.S.C. 343(b)(3)), $35,000,000 for fiscal year 2022; and

(ix) through the cooperative extension at 1890 Institutions under section 1444 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221), $40,000,000 for fiscal year 2022;

(B) for grants to covered institutions for construction, alteration, acquisition, modernization, renovation, or remodeling of agricultural research facilities, including related building costs associated with compliance with applicable Federal and State law, under section 4 of the Research Facilities Act (7 U.S.C. 390b), $1,000,000,000 for fiscal year 2022, subject to the condition that notwithstanding section 3(c)(2)(A) of that Act (7 U.S.C. 390a(c)(2)(A)), the recipient of a grant provided using those amounts shall not be required to provide any non-Federal share of total funding provided under this subparagraph;

(C) for the scholarships for students at 1890 Institutions grant program under section 1446 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222a), $100,000,000 for fiscal year 2022, to carry out such program in fiscal years 2024 through 2031;

(D) for grants to land-grant colleges and universities to support Tribal students under section 1450 of that Act (7 U.S.C. 3222e), $15,000,000 for fiscal year 2022, and for purposes of this subparagraph, section 1450(b)(4) of such Act shall not apply; and

(E) for the Higher Education Multicultural Scholars Program carried out pursuant to section 1417 of that Act (7 U.S.C. 3152), $15,000,000 for fiscal year 2022;

(3) to the Office of the Chief Scientist, to carry out advanced research and development relating to climate through the Agriculture Advanced Research and Development Authority under section 1473H of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319k), $30,000,000 for fiscal year 2022;

(4) to the Foundation for Food and Agriculture Research, to carry out activities relating to climate change in accordance with section 7601 of the Agricultural Act of 2014 (7 U.S.C. 5939), to be considered as provided pursuant to subsection (g)(1)(A) of such section, $210,000,000 for fiscal year 2022;

(5) to the Office of Urban Agriculture and Innovative Production, to carry out activities in accordance with section 222 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6923), $10,000,000 for fiscal year 2022.

(b) DEFINITIONS.—In this section:

(1) COVERED INSTITUTION.—The term ''covered institution'' means—

(A) an 1890 Institution (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601));

(B) a 1994 Institution (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382));

(C) an Alaska Native serving institution or Native Hawaiian serving institution eligible to receive grants under subsections (a) and (b), respectively, of section 1419B of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3156);

(D) Hispanic-serving agricultural colleges and universities and Hispanic-serving institutions (as those terms are defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103));

(E) an eligible institution (as defined in section 1489 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3361) (relating to institutions of higher education in insular areas)); and

(F) the University of the District of Columbia established pursuant to the Act of July 2, 1862 (commonly known as the ''First Morrill Act'') (7 U.S.C. 301 through 309).

(2) STATE.—The term ''State'' has the meaning given the term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103).

SEC. 13002. LIMITATION.

The funds made available under this subtitle are subject to the condition that the Secretary shall not—

(1) enter into any agreement—

(A) that is for a term extending beyond September 30, 2031; or

(B) under which any payment could be outlaid or funds disbursed after September 30, 2031; or

(2) use any other funds available to the Secretary to satisfy obligations initially made under this subtitle.

Subtitle E—Miscellaneous

SEC. 14001. ADDITIONAL SUPPORT FOR USDA OFFICE OF THE INSPECTOR GENERAL.

In addition to amounts otherwise made available, there is appropriated to the Office of the Inspector General of the Department of Agriculture for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000 to remain available until September 30, 2031, for audits, investigations, and other oversight activities of projects and activities carried out with funds made available to the Department of Agriculture under this title.

SEC. 14002. ADDITIONAL SUPPORT FOR FARMWORKER AND FOOD WORKER RELIEF GRANT PROGRAM.

In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022 to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $200,000,000 to provide additional funds to the Secretary for the Farmworker and Food Worker Relief Grant Program of the Agricultural Marketing Service to provide additional COVID–19 assistance relief payments for frontline grocery workers.

Subtitle F—Conservation

SEC. 15001. SOIL CONSERVATION ASSISTANCE.

(a) APPROPRIATION.—In addition to amounts otherwise available, there are appropriated to the Secretary of Agriculture (referred to in this section as the ''Secretary'') for each of fiscal years 2022 through 2028, out of any money in the Treasury not otherwise appropriated, such sums as are necessary to carry out this section, to remain available until expended, subject to the conditions that, for purposes of providing payments under subsections (b), (c), and (d), the Secretary shall not—

(1) enter into any agreement—

(A) that is for a term extending beyond September 30, 2031; or

(B) under which any payment could be outlaid or funds disbursed after September 30, 2031;

(2) use any other funds available to the Secretary to satisfy obligations initially made under this section; or

(3) interpret this section to authorize funds of the Commodity Credit Corporation for such payments if such funds are not expressly authorized or currently expended for such purposes.

(b) AVAILABILITY OF PAYMENTS TO PRODUCERS.—

(1) IN GENERAL.—Of the funds made available under subsection (a), for each of the 2022 through 2026 crop years, the Secretary shall make payments to the producers on a farm for which the producer establishes 1 or more cover crop practices with respect to the applicable crop year, as determined by the Secretary, in accordance with this subsection, subject to the condition that a producer receiving a payment shall not receive a payment under any other provision of law for the same practices on the same acres.

(2) PAYMENT RATE.—The payment rate used to make payments with respect to a producer who establishes 1 or more cover crop practices under paragraph (1) shall be $25 per acre of cover crop established.

(3) ACRES ESTABLISHED.—The acres for which a producer receives the payment rate under paragraph (2) shall be equal to the total number of acres on which the producer establishes 1 or more cover crop practices, not to exceed 1,000 acres per producer.

(c) AVAILABILITY OF PAYMENTS TO FARM OWNERS.—

(1) IN GENERAL.—Of the funds made available under subsection (a), for each of the 2022 through 2026 crop years, the Secretary shall make payments to the owners of a farm with respect to which a producer establishes 1 or more cover crop practices pursuant to subsection (b), in accordance with this subsection, subject to

the condition that an owner of a farm may not receive a payment under this subsection and subsection (b) for the same farm or acres, as determined by the Secretary.

(2) PAYMENT RATE.—The payment rate used to make payments under paragraph (1) with respect to the owner of a farm shall be $5 per acre of cover crop established.

(3) ACRES ESTABLISHED.—The acres for which the owner of a farm receives the payment rate under paragraph (2) shall be equal to the total number of acres for which the applicable producer establishes 1 or more cover crop practices, not to exceed 1,000 acres per owner.

(d) AVAILABILITY OF PAYMENTS FOR PREVENTED PLANTING.—

(1) IN GENERAL.—Of the funds made available under subsection (a) and in addition to any other payments or assistance, for the 2022 through 2026 crop years, the Secretary shall make payments in accordance with this subsection to producers on farms who establish 1 or more cover crop practices pursuant to subsection (b).

(2) REQUIREMENTS.—To receive a payment under this subsection, a producer—

(A) shall have—

(i) purchased a crop insurance policy or plan of insurance under section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) for the applicable crop year following the establishment of the cover crop practice, as determined by the Secretary;

(ii) established a cover crop practice pursuant to subsection (b) on the farm for which the insurance described in clause (i) was purchased, as determined by the Secretary; and

(iii) been unable to plant the crop for which insurance was purchased; and

(B) as determined by the Secretary, shall not—

(i) harvest the cover crop for market or sale;

(ii) harvest the cover crop for seed for purposes of marketing or sale, except that a quantity may be harvested for seed for on-farm usage only; or

(iii) otherwise use the acres for which payments are received under this subsection for any unapproved uses or other uses that seek to defeat or undermine the purposes of this section.

(3) PAYMENT AMOUNT.—The Secretary shall make payments to producers under this subsection in an amount equal to the product obtained by multiplying—

(A) the total number of acres for which the producer is eligible to receive a payment under this subsection; and

(B) the difference between—

(i) 100 percent of the prevented planting guarantee, calculated without regard to the establishment of the cover crop practices pursuant to subsection (b), applicable for the insurance policy purchased by the producer under section 508A of the Federal Crop Insurance Act (7 U.S.C. 1508a), as determined by the Secretary; and

(ii) the prevented planting indemnity payment received by the producer under that section and the policy purchased by the producer for the applicable crop, as determined by the Secretary.

SEC. 15002. ADDITIONAL AGRICULTURAL CONSERVATION INVESTMENTS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available (and subject to subsection (b)), there are appropriated to the Secretary of Agriculture (referred to in this section as the ''Secretary''), out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031 (subject to the condition that no such funds may be disbursed after September 30, 2031)—

(1) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the environmental quality incentives program under subchapter A of chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa through 3839aa–8)—

(A)(i) $300,000,000 for fiscal year 2022;

(ii) $500,000,000 for fiscal year 2023;

(iii) $1,750,000,000 for fiscal year 2024;

(iv) $3,000,000,000 for fiscal year 2025; and

(v) $3,450,000,000 for fiscal year 2026; and

(B) subject to the conditions on the use of the funds that—

(i) section 1240B(f)(1) of the Food Security Act of 1985 (16 U.S.C. 3839aa–2(f)(1)) shall not apply;

(ii) section 1240H(c)(2) of the Food Security Act of 1985 (16 U.S.C. 3839aa–8(c)(2)) shall be applied—

(I) by substituting ''$50,000,000'' for ''$25,000,000''; and

(II) with the Secretary prioritizing proposals that utilize diet and feed management to reduce enteric methane emissions from ruminants;

(iii) the funds shall be available for 1 or more agricultural conservation practices or enhancements that the Secretary determines directly improve soil carbon or reduce nitrogen losses or greenhouse gas emissions, or capture or sequester greenhouse gas emissions, associated with agricultural production; and

(iv) the Secretary shall prioritize projects and activities that mitigate or address climate change through the management of agricultural production, including by reducing or avoiding greenhouse gas emissions;

(2) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the conservation stewardship program under subchapter B of that chapter (16 U.S.C. 3839aa–21 through 3839aa–25)—

(A)(i) $250,000,000 for fiscal year 2022;

(ii) $500,000,000 for fiscal year 2023;

(iii) $850,000,000 for fiscal year 2024;

(iv) $1,000,000,000 for fiscal year 2025; and

(v) $1,500,000,000 for fiscal year 2026; and

(B) subject to the conditions on the use of the funds that—

(i) the funds shall only be available for—

(I) 1 or more agricultural conservation practices or enhancements that the Secretary determines directly improve soil carbon or reduce nitrogen losses or greenhouse gas emissions, or capture or sequester greenhouse gas emissions, associated with agricultural production; or

(II) State-specific or region-specific groupings or bundles of agricultural conservation activities for climate change mitigation appropriate for cropland, pastureland, rangeland, nonindustrial private forest land, and producers transitioning to organic or perennial production systems; and

(ii) the Secretary shall prioritize projects and activities that mitigate or address climate change through the management of agricultural production, including by reducing or avoiding greenhouse gas emissions;

(3) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the agricultural conservation easement program under subtitle H of title XII of that Act (16 U.S.C. 3865 through 3865d)—

(A)(i) $100,000,000 for fiscal year 2022;

(ii) $200,000,000 for fiscal year 2023;

(iii) $300,000,000 for fiscal year 2024;

(iv) $500,000,000 for fiscal year 2025; and

(v) $600,000,000 for fiscal year 2026; and

(B) subject to the condition on the use of the funds that the Secretary shall prioritize projects and activities that mitigate or address climate change through the management of agricultural production, including by reducing or avoiding greenhouse gas emissions; and

(4) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the regional conservation partnership program under subtitle I of title XII of that Act (16 U.S.C. 3871 through 3871f)—

(A)(i) $200,000,000 for fiscal year 2022;

(ii) $500,000,000 for fiscal year 2023;

(iii) $1,500,000,000 for fiscal year 2024;

(iv) $2,250,000,000 for fiscal year 2025; and

(v) $3,050,000,000 for fiscal year 2026; and

(B) subject to the conditions on the use of the funds that the Secretary—

(i) shall prioritize partnership agreements under section 1271C(d) of the Food Security Act of 1985 (16 U.S.C. 3871c(d)) that support the implementation of conservation projects that assist agricultural producers and nonindustrial private forestland owners in directly improving soil carbon or reducing nitrogen losses or greenhouse gas emissions, or capturing or sequestering greenhouse gas emissions, associated with agricultural production;

(ii) shall prioritize projects and activities that mitigate or address climate change through the management of agricultural production, including by reducing or avoiding greenhouse gas emissions; and

(iii) may prioritize projects that—

(I) leverage corporate supply chain sustainability commitments; or

(II) utilize models that pay for outcomes from targeting methane and nitrous oxide emissions associated with agricultural production systems.

(b) CONDITIONS.—The funds made available under this section are subject to the conditions that the Secretary shall not—

(1) enter into any agreement—

(A) that is for a term extending beyond September 30, 2031; or

(B) under which any payment could be outlaid or funds disbursed after September 30, 2031; or

(2) use any other funds available to the Secretary to satisfy obligations initially made under this section.

(c) CONFORMING AMENDMENTS.—

(1) Section 1240B of the Food Security Act of 1985 (16 U.S.C. 3839aa–2) is amended—

(A) in subsection (a), by striking ''2023'' and inserting ''2031''; and

(B) in subsection (f)(2)(B)—

(i) in the subparagraph heading, by striking ''2023'' and inserting ''2031''; and

(ii) by striking ''2023'' and inserting ''2031''.

(2) Section 1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa–8) is amended by striking ''2023'' each place it appears and inserting ''2031''.

(3) Section 1240J(a) of the Food Security Act of 1985 (16 U.S.C. 3839aa–22(a)) is amended, in the matter preceding paragraph (1), by striking ''2023'' and inserting ''2031''.

(4) Section 1240L(h)(2)(A) of the Food Security Act of 1985 (16 U.S.C. 3839aa–24(h)(2)(A)) is amended by striking ''2023'' and inserting ''2031''.

(5) Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking ''2023'' and inserting ''2031'';

(ii) in paragraph (1), by striking ''2023'' each place it appears and inserting ''2031'';

(iii) in paragraph (2)(F), by striking ''2023'' and inserting ''2031''; and

(iv) in paragraph (3), by striking ''fiscal year 2023'' each place it appears and inserting ''each of fiscal years 2023 through 2031'';

(B) in subsection (b), by striking ''2023'' and inserting ''2031''; and

(C) in subsection (h)—

(i) in paragraph (1)(B), in the subparagraph heading, by striking ''2023'' and inserting ''2031''; and

(ii) by striking ''2023'' each place it appears and inserting ''2031''.

(6) Section 1244(n)(3)(A) of the Food Security Act of 1985 (16 U.S.C. 3844(n)(3)(A)) is amended by striking ''2023'' and inserting ''2031''.

(7) Section 1271D(a) of the Food Security Act of 1985 (16 U.S.C. 3871d(a)) is amended by striking ''2023'' and inserting ''2031''.

SEC. 15003. CONSERVATION TECHNICAL ASSISTANCE.

(a) APPROPRIATIONS.—In addition to amounts otherwise available (and subject to subsection (b)), there are appropriated to the Secretary of Agriculture (referred to in this section as the ''Secretary'') for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30,

2031 (subject to the condition that no such funds may be disbursed after September 30, 2031)—

(1) $200,000,000 to provide conservation technical assistance through the Natural Resources Conservation Service;

(2) $50,000,000 to carry out climate change adaptation and mitigation activities through the Natural Resources Conservation Service by working with the Regional Climate Hubs designed to provide information and technical support on climate smart agriculture and forestry to agricultural producers, landowners, and resource managers, as determined by the Secretary; and

(3) $600,000,000 to carry out a carbon sequestration and greenhouse gas emissions quantification program through which the Natural Resources Conservation Service, including through technical service providers and other partners, shall collect field-based data to assess the carbon sequestration and greenhouse gas emissions reduction outcomes associated with activities carried out pursuant to this section and use the data to monitor and track greenhouse gas emissions and carbon sequestration trends through the Greenhouse Gas Inventory and Assessment Program of the Department of Agriculture.

(b) CONDITIONS.—The funds made available under this section are subject to the conditions that the Secretary shall not—

(1) enter into any agreement—

(A) that is for a term extending beyond September 30, 2031; or

(B) under which any payment could be outlaid or funds disbursed after September 30, 2031;

(2) use any other funds available to the Secretary to satisfy obligations initially made under this section; or

(3) interpret this section to authorize funds of the Commodity Credit Corporation for activities under this section if such funds are not expressly authorized or currently expended for such purposes.

(c) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2028, for administrative costs of the agencies and offices of the Department of Agriculture for costs related to implementing this section.

TITLE II—COMMITTEE ON EDUCATION AND LABOR

Subtitle A—Education Matters

PART 1—ELEMENTARY AND SECONDARY EDUCATION

SEC. 20001. GROW YOUR OWN PROGRAMS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $112,684,000, to remain available through September 30, 2025, to award grants for the development and support of Grow Your Own Programs, as described in section 202(g) of the Higher Education Act of 1965.

(b) IN GENERAL.—Section 202 of the Higher Education Act of 1965 is amended—

(1) in subsection (b)(6)(C), by striking ''subsection (f) or (g)'' and inserting ''subsection (f) or (h)'';

(2) in subsection (c)(1), by inserting ''a Grow Your Own program under subsection (g),'' after ''subsection (e),'';

(3) by redesignating subsections (g), (h), (i), (j), and (k), as subsections (h), (i), (j), (k), and (l), respectively; and

(4) by inserting after subsection (f) the following:

''(g) PARTNERSHIP GRANTS FOR THE ESTABLISHMENT OF 'GROW YOUR OWN' PROGRAMS.—

''(1) IN GENERAL.—An eligible partnership that receives a grant under this section shall carry out an effective 'Grow Your Own' program to address shortages of teachers in high-need subjects, fields, schools, and geographic areas, or shortages of school leaders in high-need schools, and to increase the diversity of qualified individuals entering into the teacher, principal, or other school leader workforce.

''(2) REQUIREMENTS OF A GROW YOUR OWN PROGRAM.—In addition to carrying out each of the activities described in paragraphs (1) through (6) of subsection (d), an eligible partnership carrying out a Grow Your Own program under this subsection shall—

''(A) integrate courses on education topics with a year-long school-based clinical experience in which candidates teach or lead alongside an expert mentor teacher or school leader who is the teacher or school leader of record in the same local educational agencies in which the candidates expect to work;

''(B) provide opportunities for candidates to practice and develop teaching skills or school leadership skills;

''(C) support candidates as they complete their associate (in furtherance of their baccalaureate), baccalaureate, or master's degree or earn their teaching or school leadership credential;

''(D) work to provide academic, counseling, and programmatic supports to candidates;

''(E) provide academic and nonacademic supports, including advising and financial assistance, to candidates to enter and complete teacher or school leadership preparation programs, to access and complete State licensure exams, and to engage in school-based clinical placements;

''(F) include efforts to recruit individuals with experience in high-need subjects or fields who are not certified to teach or lead, with a specific focus on recruiting individuals—

''(i) from groups or populations that are underrepresented; and

''(ii) who live in and come from the communities the schools serve; and

''(G) require candidates to complete all State requirements to become fully certified.''.

SEC. 20002. TEACHER RESIDENCIES.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $112,266,000, to remain available through September 30, 2025, to award grants for the development and support of high-quality teaching residency programs, as described in section 202(e) of the Higher Education Act of 1965 (20 U.S.C. 1022a(e)), except that amounts available under this section shall also be available for residency programs for prospective teachers in a bachelor's degree program.

SEC. 20003. SUPPORT SCHOOL PRINCIPALS.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $112,266,000, to remain available through September 30, 2025, to award grants for the development and support of school leadership programs, as described in section 2243 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6673).

SEC. 20004. HAWKINS.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $112,266,000, to remain available through September 30, 2025, to award grants for the Augustus F. Hawkins Centers of Excellence Program, as described in section 242 of the Higher Education Act of 1965 (20 U.S.C. 1033a).

SEC. 20005. FUNDING FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION PART D PERSONNEL DEVELOPMENT.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $160,776,000, to remain available until September 30, 2025, for personnel development described in section 662 of the Individuals with Disabilities Education Act (20 U.S.C. 1462).

SEC. 20006. GRANTS FOR NATIVE AMERICAN LANGUAGE TEACHERS AND EDUCATORS.

The Native American Programs Act of 1974 is amended by inserting after section 803C the following:

''SEC. 803D. GRANTS FOR NATIVE AMERICAN LANGUAGE TEACHERS AND EDUCATORS.

''(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031, $200,000,000 for the Secretary, in carrying out section 803C, to award grants to carry out activities relating to preparing, training, and offering professional development to Native American language teachers and Native American language early childhood educators to ensure the survival and continuing vitality of Native American languages.

''(b) COST SHARE PROHIBITION.—The Secretary shall not impose a cost sharing or matching fund requirement with respect to grants awarded under subsection (a).''.

PART 2—HIGHER EDUCATION

SEC. 20021. INCREASING THE MAXIMUM FEDERAL PELL GRANT.

(a) AWARD YEAR 2022–2023.—Section 401(b)(7) of the Higher Education Act of 1965 is amended—

(1) in subparagraph (A)(iii), by inserting ''and such sums as may be necessary for fiscal year 2022 to carry out the $550 increase for enrollment at institutions of higher education defined in section 101 or 102(a)(1)(B) provided under subparagraph (C)(iii)'' before ''; and''; and

(2) in subparagraph (C)(iii), by inserting before the period at the end the following: '', except that, for award year 2022–2023, such amount shall be equal to the amount determined under clause (ii) for award year 2017–2018, increased by $550 for enrollment at institutions of higher education defined in section 101 or 102(a)(1)(B)''.

(b) SUBSEQUENT AWARD YEARS THROUGH 2025–2026.—Section 401(b) of the Higher Education Act of 1965, as amended by section 703 of the FAFSA Simplification Act (title VII of division FF of Public Law 116–260), is amended—

(1) in paragraph (5)(A)—

(A) in clause (i), by striking ''and'' after the semicolon;

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) the following:

''(ii) for each of award years 2023–2024 through 2025–2026, an additional $550 for enrollment at institutions of higher education defined in section 101 or 102(a)(1)(B); and''; and

(2) in paragraph (6)(A)—

(A) in clause (i)—

(i) by striking ''appropriated) such'' and inserting the following: ''appropriated)—

''(I) such''; and

(ii) by adding at the end the following:

''(II) such sums as are necessary to carry out paragraph (5)(A)(ii) for each of fiscal years 2023 through 2025; and''; and

(B) in clause (ii), by striking ''(5)(A)(ii)'' and inserting ''(5)(A)(iii)''.

SEC. 20022. EXPANDING FEDERAL STUDENT AID ELIGIBILITY.

Section 484(a)(5) of the Higher Education Act of 1965 is amended by inserting '', or, with respect to any grant, loan, or work assistance received under this title for award years 2022–2023 through 2029–2030, be subject to a grant of deferred enforced departure or have deferred action pursuant to the Deferred Action for Childhood Arrivals policy of the Secretary of Homeland Security or temporary protected status'' after ''becoming a citizen or permanent resident''.

SEC. 20023. INCREASE IN PELL GRANTS FOR RECIPIENTS OF MEANS-TESTED BENEFITS.

Section 473 of the Higher Education Act of 1965, as amended by section 702(b) of the FAFSA Simplification Act (title VII of division FF of Public Law 116–260), is amended by adding at the end the following:

''(d) SPECIAL RULE FOR MEANS-TESTED BENEFIT RECIPIENTS.—During award years 2024–2025 through 2029–2030, and notwithstanding subsection (b), for an applicant (or, as applicable, an applicant and spouse, or an applicant's parents) who is not described in subsection (c) and who, at any time during the previous 24-month period, received a benefit under a means-tested Federal benefit program (or whose parent or spouse received such a benefit, as applicable) described in clauses (i) through (vi) of section 479(b)(4)(H), the Secretary shall for the purposes of this title consider the student aid index as equal to –$1,500 for the applicant.''.

SEC. 20024. RETENTION AND COMPLETION GRANTS.

Title VII of the Higher Education Act of 1965 is amended by adding at the end the following:

''PART F—RETENTION AND COMPLETION GRANTS

''SEC. 791. RETENTION AND COMPLETION GRANTS.

''(a) IN GENERAL.—From amounts appropriated to carry out this section for a fiscal year, the Secretary shall carry out a program to make grants (which shall be known as 'retention and completion grants') to eligible entities to enable the such entities to carry out the activities described in the applications submitted under subsection (b).

''(b) APPLICATION.—To be eligible to receive a grant under this section, an eligible entity shall submit an application to the Secretary that includes a description of—

''(1) how the eligible entity will use the funds to implement or expand evidence-based reforms or practices to improve student outcomes at institutions of higher education in the State or system of institutions of higher education, or at the Tribal College or University, as applicable; and

''(2) how the eligible entity will sustain such reforms or practices after the grant period.

''(c) PRIORITY.—In awarding grants under this section to eligible entities, the Secretary shall give priority to eligible entities that propose to use a significant share of grant funds to, among students of color, low-income students, students with disabilities, students in need of remediation, first generation college students, student parents, and other underserved student populations in such eligible entity, improve enrollment, retention, transfer, or completion rates or labor market outcomes.

''(d) ADEQUATE PROGRESS.—As a condition of continuing to receive funds under this section, for each year in which an eligible entity participates in the program under this section, such eligible entity shall demonstrate to the satisfaction of the Secretary that the entity has made adequate progress in implementing or expanding evidence-based reforms or practices, and, among students of color, low-income students, students with disabilities, students in need of remediation, first generation college students, student parents, and other underserved student populations in such eligible entity, improving enrollment, retention, transfer, or completion rates or labor market outcomes.

''(e) MATCHING REQUIREMENT.—As a condition of receiving a grant under this section for the applicable year described in paragraphs (1) through (3), an eligible entity that is not a Tribal College or University shall provide matching funds for such applicable year toward the cost of the activities described in the application submitted under subsection (b). Such matching funds shall be in the amount of—

''(1) in the second year of a grant, not less than 10 percent of the grant amount awarded to such eligible entity for such year;

''(2) in the third year of a grant, not less than 15 percent of the grant amount awarded to such eligible entity for such year; and

''(3) in the fourth year and each subsequent year of a grant, not less than 20 percent of the grant amount awarded to such eligible entity for such year.

''(f) GENERAL REQUIREMENT.—An eligible entity shall use a grant under this section only to carry out activities described in the application for such year under subsection (b).

''(g) EVIDENCE-BASED REFORMS OR PRACTICES.—An eligible entity receiving a grant under this section shall, directly or in collaboration with institutions of higher education and other non-profit organizations, use the grant funds to implement one or more of the following evidence-based reforms or practices:

''(1) Providing comprehensive academic, career, and student support services, including mentoring, advising, or case management services.

''(2) Providing assistance in applying for and accessing direct support services, financial assistance, or means-tested benefit programs to meet the basic needs of students.

''(3) Providing accelerated learning opportunities, including dual or concurrent enrollment programs and early college high school programs.

''(4) Reforming remedial or developmental education, course scheduling, or credit-awarding policies.

''(5) Improving transfer pathways between—

''(A) in the case of an eligible entity that is a State, community colleges and 4-year institutions of higher education in the State;

''(B) in the case of an eligible entity that is a system of institutions of higher education, institutions within such system and other institutions of higher education in the State in which the system is located; or

''(C) in the case of a Tribal College or University, between the Tribal College or University and other institutions of higher education.

''(h) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this part shall be used to supplement, and not supplant, other Federal, State, local, Tribal, and institutional funds that would otherwise be expended to carry out activities described in this section.

''(i) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a State, a system of institutions of higher education, or a Tribal College or University.

''(2) EVIDENCE TIERS.—

''(A) EVIDENCE TIER 1.—The term 'evidence tier 1', when used with respect to a reform or practice, means a reform or practice that meets the criteria for receiving an expansion grant from the education innovation and research program under section 4611(a)(2)(C) of the Elementary and Secondary Education Act of 1965, as determined by the Secretary in accordance with such section.

''(B) EVIDENCE TIER 2.—The term 'evidence tier 2', when used with respect to a reform or practice, means a reform or practice that meets the criteria for receiving a mid-phase grant from the education innovation and research program under section 4611(a)(2)(B) of the Elementary and Secondary Education Act of 1965, as determined by the Secretary in accordance with such section.

''(3) FIRST GENERATION COLLEGE STUDENT.—The term 'first generation college student' has the meaning given the term in section 402A(h)(3).

''(4) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101 or 102(a)(1)(B).

''(5) STATE.—The term 'State' means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States.

''(6) TRIBAL COLLEGE OR UNIVERSITY.—The term 'Tribal College or University' has the meaning given the term in section 316(b)(3).

''(j) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

''(1) $310,000,000 to remain available until September 30, 2030, to award competitive grants to eligible entities that are not Tribal Colleges and Universities to carry out the approved activities described in the applications submitted under subsection (b);

''(2) $37,500,000 to remain available until September 30, 2030, to award competitive grants to Tribal Colleges and Universities to carry out the approved activities described in the applications submitted under subsection (b);

''(3) $95,000,000 to remain available until September 30, 2030, to supplement the competitive grant amounts awarded to eligible entities with funds available under paragraph (1) and (2) to implement reforms or practices that meet evidence tier 1;

''(4) $47,500,000 to remain available until September 30, 2030, to supplement the competitive grant amounts awarded to eligible entities with funds available under paragraphs (1) and (2) to implement reforms or practices that meet evidence tier 1 or evidence tier 2, or a combination of such reforms or practices; and

''(5) $10,000,000 to remain available until September 30, 2030, to evaluate the effectiveness of the activities carried out under this section.

''(k) SUNSET.—The authority to make grants under this section shall expire at the end of award year 2026–2027.

''(l) INAPPLICABILITY OF GEPA CONTINGENT EXTENSION OF PROGRAMS.—Section 422 of the General Education Provisions Act shall not apply to this part.''.

SEC. 20025. INSTITUTIONAL AID.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $470,640,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(B) of the Higher Education Act of 1965 in fiscal year 2022;

(2) $470,640,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(B) of the Higher Education Act of 1965 in fiscal year 2023;

(3) $470,640,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(B) of the Higher Education Act of 1965 in fiscal year 2024;

(4) $470,640,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(B) of the Higher Education Act of 1965 in fiscal year 2025;

(5) $470,640,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(B) of the Higher Education Act of 1965 in fiscal year 2026;

(6) $470,640,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(C) of the Higher Education Act of 1965 in fiscal year 2022;

(7) $470,640,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(C) of the Higher Education Act of 1965 in fiscal year 2023;

(8) $470,640,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(C) of the Higher Education Act of 1965 in fiscal year 2024;

(9) $470,640,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(C) of the Higher Education Act of 1965 in fiscal year 2025;

(10) $470,640,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(C) of the Higher Education Act of 1965 in fiscal year 2026;

(11) $141,120,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(i) of the Higher Education Act of 1965 in fiscal year 2022;

(12) $141,120,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(i) of the Higher Education Act of 1965 in fiscal year 2023;

(13) $141,120,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(i) of the Higher Education Act of 1965 in fiscal year 2024;

(14) $141,120,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(i) of the Higher Education Act of 1965 in fiscal year 2025;

(15) $141,120,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(i) of the Higher Education Act of 1965 in fiscal year 2026;

(16) $70,560,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(ii) of the Higher Education Act of 1965 in fiscal year 2022;

(17) $70,560,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(ii) of the Higher Education Act of 1965 in fiscal year 2023;

(18) $70,560,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(ii) of the Higher Education Act of 1965 in fiscal year 2024;

(19) $70,560,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(ii) of the Higher Education Act of 1965 in fiscal year 2025;

(20) $70,560,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(ii) of the Higher Education Act of 1965 in fiscal year 2026;

(21) $23,520,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(iii) of the Higher Education Act of 1965 in fiscal year 2022;

(22) $23,520,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(iii) of the Higher Education Act of 1965 in fiscal year 2023;

(23) $23,520,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(iii) of the Higher Education Act of 1965 in fiscal year 2024;

(24) $23,520,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(iii) of the Higher Education Act of 1965 in fiscal year 2025;

(25) $23,520,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(iii) of the Higher Education Act of 1965 in fiscal year 2026;

(26) $23,520,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(iv) of the Higher Education Act of 1965 in fiscal year 2022;

(27) $23,520,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(iv) of the Higher Education Act of 1965 in fiscal year 2023;

(28) $23,520,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(iv) of the Higher Education Act of 1965 in fiscal year 2024;

(29) $23,520,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(iv) of the Higher Education Act of 1965 in fiscal year 2025; and

(30) $23,520,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(iv) of the Higher Education Act of 1965 in fiscal year 2026.

(b) USE OF FUNDS.—

(1) IN GENERAL.—An institution of higher education receiving funds made available under this section shall use such funds in accordance with the uses of funds described under subparagraphs (B), (C), and clauses (i) through (iv) of subparagraph (D) of section 371(b)(2) of the Higher Education Act of 1965, as applicable, and to award need-based financial aid (including emergency financial aid grants) to low-income students enrolled in an eligible program (as defined in section 481(b) of the Higher Education Act of 1965) at such institution.

(2) DISTRIBUTION REQUIREMENTS.—The Secretary of Education shall distribute each of the amounts appropriated under paragraphs (6) through (10) of subsection (a) in accordance with section 371(b)(2)(C), except that in clause (ii) of such section, ''25'' and ''of $600,000 annually'' shall not apply.

(c) NO ADDITIONAL ELIGIBILITY REQUIREMENTS.—No individual shall be determined by the Secretary of Education to be ineligible for benefits provided under subsection (b)(1) except on the basis of not being a low-income student enrolled in an eligible program (as defined in section 481(b) of the Higher Education Act of 1965).

SEC. 20026. RESEARCH AND DEVELOPMENT INFRASTRUCTURE COMPETITIVE GRANT PROGRAM.

Title III of the Higher Education Act of 1965 is amended—

(1) by redesignating part G as part H; and

(2) by inserting after section 371 the following:

''PART G—IMPROVING RESEARCH & DEVELOPMENT INFRASTRUCTURE FOR HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, TRIBAL COLLEGES AND UNIVERSITIES, AND MINORITY-SERVING INSTITUTIONS

''SEC. 381. IMPROVING RESEARCH & DEVELOPMENT INFRASTRUCTURE FOR HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, TRIBAL COLLEGES AND UNIVERSITIES, AND MINORITY-SERVING INSTITUTIONS.

''(a) ELIGIBLE INSTITUTION.—In this section, the term 'eligible institution' means—

''(1) an institution that—

''(A) is described in section 371(a);

''(B) is a 4-year institution; and

''(C) is not an institution classified as 'very high research activity' by the Carnegie Classification of Institutions of Higher Education; or

''(2) an institution described in paragraph (1) acting on behalf of a consortium, which may include institutions classified as 'very high research activity' by the Carnegie Classification of Institutions of Higher Education, 2-year institutions of higher education (as defined in section 101), and other academic partners, philanthropic organizations, and industry partners, provided that the eligible institution is the lead member and fiscal agent of the consortium.

''(b) AUTHORIZATION OF GRANT PROGRAMS.—For the purpose of supporting research and development infrastructure at eligible institutions, the Secretary shall award, on a competitive basis, to eligible institutions—

''(1) planning grants for a period of not more than 2 years; and

''(2) implementation grants for a period of not more than 5 years.

''(c) APPLICATIONS.—

''(1) IN GENERAL.—An eligible institution that desires to receive a planning grant under subsection (b)(1) or an implementation grant under subsection (b)(2) shall submit an application to the Secretary that includes a description of the activities that will be carried out with grant funds.

''(2) NO COMPREHENSIVE DEVELOPMENT PLAN.—The requirement under section 391(b)(1) shall not apply to grants awarded under this section.

''(d) PRIORITY IN AWARDS.—

''(1) IN GENERAL.—In awarding planning and implementation grants under this section, the Secretary shall administer separate competitions for each of the categories of institutions listed in paragraphs (1) through (7) of section 371(a).

''(2) PRIORITY.—In awarding implementation grants under this section, the Secretary shall give priority to eligible institutions that have received a planning grant under this section.

''(e) USE OF FUNDS.—

''(1) PLANNING GRANTS.—An eligible institution that receives a planning grant under subsection (b)(1) shall use the grant funds to develop a strategic plan for improving institutional research and development infrastructure that includes—

''(A) an assessment of the existing institutional research capacity and research and development infrastructure; and

''(B) a detailed description of how the institution would use research and development infrastructure funds provided by an implementation grant under this section to increase the institution's research capacity and support research and development infrastructure.

''(2) IMPLEMENTATION GRANTS.—An eligible institution that receives an implementation grant under subsection (b)(2) shall use the grant funds to support research and development infrastructure, which shall include carrying out at least one of the following activities:

''(A) Providing for the improvement of infrastructure existing on the date of the grant award, including deferred maintenance, or the establishment of new physical infrastructure, including instructional program spaces, laboratories, research facilities or furniture, fixtures, and instructional research-related equipment and technology relating to the fields of science, technology, engineering, the arts, mathematics, health, agriculture, education, medicine, law, and other disciplines.

''(B) Hiring and retaining faculty, students, research-related staff, or other personnel, including research personnel skilled in operating, using, or applying technology, equipment, or devices used to conduct or support research.

''(C) Creating and supporting inter- and intra-institutional research centers (including formal and informal communities of practice) in fields of research for which research and development infrastructure funds have been awarded under this section, including hiring staff and purchasing supplies and equipment.

''(f) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, tribal, and local funds that would otherwise be expended to carry out the activities described in this section.

''(g) SUNSET.—

''(1) IN GENERAL.—The authority to make—

''(A) planning grants under subsection (b)(1) shall expire at the end of fiscal year 2025; and

''(B) implementation grants under subsection (b)(2) shall expire at the end of fiscal year 2027.

''(2) INAPPLICABILITY OF GEPA CONTINGENT EXTENSION OF PROGRAMS.—Section 422 of the General Education Provisions Act shall not apply to this section.

''(h) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000,000, to remain available until September 30, 2028, for carrying out this section.''.

SEC. 20027. NORTHERN MARIANA ISLANDS, AMERICAN SAMOA, UNITED STATES VIRGIN ISLANDS, GUAM, AND FREELY ASSOCIATED STATES COLLEGE ACCESS.

Title VII of the Higher Education Act of 1965, as amended by this Act, is further amended by adding at the end the following:

''PART G—COLLEGE ACCESS FOR STUDENTS IN OUTLYING AREAS

''SEC. 792. NORTHERN MARIANA ISLANDS, AMERICAN SAMOA, UNITED STATES VIRGIN ISLANDS, GUAM, AND FREELY ASSOCIATED STATES COLLEGE ACCESS GRANTS.

''(a) GRANTS.—

''(1) GRANT AMOUNTS.—

''(A) IN GENERAL.—Beginning with award year 2023–2024, from amounts appropriated to carry out this section, the Secretary shall award grants to the Governors of each outlying area

for such Governors to award grants to eligible institutions that enroll eligible students to pay the difference between the tuition and fees charged for in-State students and the tuition and fees charged for out-of-State students on behalf of each eligible student enrolled in the eligible institution.

''(B) MAXIMUM STUDENT AMOUNTS.—The amount paid on behalf of an eligible student under this section shall be—

''(i) not more than $15,000 for any one award year (as defined in section 481(a)(1)); and

''(ii) not more than $75,000 in the aggregate.

''(C) PRORATION.—The Governor shall prorate payments under this section with respect to eligible students who attend an eligible institution on less than a full-time basis.

''(2) AGREEMENT.—Each Governor desiring a grant under this section shall enter into an agreement with the Secretary for the purposes of administering the grant program.

''(3) GRANT AUTHORITY.—The authority to make grants under this section shall expire at the end of award year 2029–2030.

''(b) INAPPLICABILITY OF GEPA CONTINGENT EXTENSION OF PROGRAMS.—Section 422 of the General Education Provisions Act shall not apply to this section.

''(c) NO ADDITIONAL ELIGIBILITY REQUIREMENTS.—No individual shall be determined, by a Governor, an eligible institution, or the Secretary, to be ineligible for benefits provided under this section except on the basis of eligibility requirements under this section.

''(d) DEFINITIONS.—In this section:

''(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution that—

''(A) is a public four-year institution of higher education located in one of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or an outlying area;

''(B) enters into an agreement with the Governor of an outlying area, or with two or more of such Governors (except that such institution may not enter into an agreement with the Governor of the outlying area in which such institution is located), to carry out the grant program under this section; and

''(C) submits an assurance to the Governor and to the Secretary that the institution shall use funds made available under this section to supplement, and not supplant, assistance that otherwise would be provided to eligible students from outlying areas.

''(2) ELIGIBLE STUDENT.—The term 'eligible student' means a student who—

''(A) was domiciled in an outlying area for not less than 12 consecutive months preceding the commencement of the freshman year at an institution of higher education supported by a grant awarded under this section;

''(B) has not completed an undergraduate baccalaureate course of study; and

''(C) is enrolled as an undergraduate student in an eligible program (as defined in section 481(b)) on at least a half-time basis.

''(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101.

''(4) GOVERNOR.—The term 'Governor' means the chief executive of an outlying area.

''(5) OUTLYING AREA.—The term 'outlying area' means the Northern Mariana Islands, American Samoa, the United States Virgin Islands, Guam, and the Freely Associated States.

''(e) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary, to remain available until September 30, 2030, for carrying out this section.''.

PART 3—DEPARTMENT OF EDUCATION IMPLEMENTATION

SEC. 20031. PROGRAM ADMINISTRATION.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $91,742,000, to remain available until expended, for necessary administrative expenses associated with carrying out this subtitle and sections 22101 and 22102.

SEC. 20032. STUDENT AID ADMINISTRATION.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $85,000,000, to remain available through September 30, 2030, for Student Aid Administration within the Department of Education for necessary administrative expenses associated with carrying out this subtitle and for additional Federal administrative expenses.

SEC. 20033. OFFICE OF INSPECTOR GENERAL.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until expended, for the Office of Inspector General of the Department of Education, for salaries and expenses necessary for oversight, investigations, and audits of programs, grants, and projects funded under this subtitle and sections 22101 and 22102 carried out by the Office of Inspector General.

Subtitle B—Labor Matters

SEC. 21001. DEPARTMENT OF LABOR.

In addition to amounts otherwise available, out of any money in the Treasury not otherwise appropriated, there are appropriated to the Department of Labor for fiscal year 2022, to remain available until September 30, 2026, the following amounts:

(1) $195,000,000 to the Employee Benefits Security Administration for carrying out enforcement activities.

(2) $707,000,000 to the Occupational Safety and Health Administration for carrying out enforcement, standards development, whistleblower investigations, compliance assistance, funding for State plans, and related activities within the Occupational Safety and Health Administration.

(3) $133,000,000 to the Mine Safety and Health Administration for carrying out enforcement, standard setting, technical assistance, and related activities.

(4) $405,000,000 to the Wage and Hour Division for carrying out activities.

(5) $121,000,000 to the Office of Workers' Compensation Programs for carrying out activities of the Office.

(6) $201,000,000 to the Office of Federal Contract Compliance Programs for carrying out audit, investigation, enforcement, and compliance assistance, and other activities.

(7) $176,000,000 to the Office of the Solicitor for carrying out necessary legal support for activities carried out by the Office related to and in support of the activities of those Department of Labor agencies receiving additional funding in this section.

SEC. 21002. NATIONAL LABOR RELATIONS BOARD.

In addition to amounts otherwise available, out of any money in the Treasury not otherwise appropriated, there are appropriated to the National Labor Relations Board for fiscal year 2022, $350,000,000, to remain available until September 30, 2026, for carrying out the activities of the Board.

SEC. 21003. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

In addition to amounts otherwise available, out of any money in the Treasury not otherwise appropriated, there are appropriated to the Equal Employment Opportunity Commission for fiscal year 2022, $321,000,000, to remain available until September 30, 2026, for carrying out investigation, enforcement, outreach, and related activities.

SEC. 21004. ADJUSTMENT OF CIVIL PENALTIES.

(a) OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970.—Section 17 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 666) is amended—

(1) in subsection (a)—

(A) by striking ''$70,000'' and inserting ''$700,000''; and

(B) by striking ''$5,000'' and inserting ''$50,000'';

(2) in subsection (b), by striking ''$7,000'' and inserting ''$70,000''; and

(3) in subsection (d), by striking ''$7,000'' and inserting ''$70,000''.

(b) FAIR LABOR STANDARDS ACT OF 1938.—Section 16(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(e)) is amended—

(1) in paragraph (1)(A)—

(A) in clause (i), by striking ''$11,000'' and inserting ''$132,270''; and

(B) in clause (ii), by striking ''$50,000'' and inserting ''$601,150''; and

(2) in paragraph (2)—

(A) in the first sentence, by striking ''$1,100'' and inserting ''$20,740''; and

(B) in the second sentence, by striking ''$1,100'' and inserting ''$11,620''.

(c) MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT.—Section 503(a)(1) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1853(a)(1)) is amended by striking ''$1,000'' and inserting ''$25,790''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2022.

SEC. 21005. CIVIL MONETARY PENALTIES FOR PARITY VIOLATIONS.

(a) CIVIL MONETARY PENALTIES RELATING TO PARITY IN MENTAL HEALTH AND SUBSTANCE USE DISORDERS.—Section 502(c)(10) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(c)(10)(A)) is amended—

(1) in the heading, by striking ''USE OF GENETIC INFORMATION'' and inserting ''USE OF GENETIC INFORMATION AND PARITY IN MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS''; and

(2) in subparagraph (A)—

(A) by striking ''any plan sponsor of a group health plan'' and inserting ''any plan sponsor or plan administrator of a group health plan''; and

(B) by striking ''for any failure'' and all that follows through ''in connection with the plan.'' and inserting ''for any failure by such sponsor, administrator, or issuer, in connection with the plan—

''(i) to meet the requirements of subsection (a)(1)(F), (b)(3), (c), or (d) of section 702 or section 701 or 702(b)(1) with respect to genetic information; or

''(ii) to meet the requirements of subsection (a) of section 712 with respect to parity in mental health and substance use disorder benefits.''.

(b) EXCEPTION TO THE GENERAL PROHIBITION ON ENFORCEMENT.—Section 502 of such Act (29 U.S.C. 1132) is amended—

(1) in subsection (a)(6), by striking ''or (9)'' and inserting ''(9), or (10)''; and

(2) in subsection (b)(3)—

(A) by striking ''subsections (c)(9) and (a)(6)'' and inserting ''subsections (c)(9), (c)(10), and (a)(6)'';

(B) by striking ''under subsection (c)(9))'' and inserting ''under subsections (c)(9) and (c)(10)), and except with respect to enforcement by the Secretary of section 712''; and

(C) by striking ''706(a)(1)'' and inserting ''733(a)(1)''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to group health plans, or any health insurance issuer offering health insurance coverage in connection with such plan, for plan years beginning after the date that is 1 year after the date of enactment of this Act.

SEC. 21006. PENALTIES UNDER THE NATIONAL LABOR RELATIONS ACT.

(a) IN GENERAL.—Section 12 of the National Labor Relations Act (29 U.S.C. 162) is amended—

*(1) by striking ''***SEC. 12.** *Any person'' and inserting the following:*

''SEC. 12. PENALTIES.

''(a) VIOLATIONS FOR INTERFERENCE WITH BOARD.—Any person''; and

(2) by adding at the end the following:

''(b) CIVIL PENALTIES FOR UNFAIR LABOR PRACTICES.—Any employer who commits an unfair labor practice within the meaning of section 8(a) affecting commerce shall be subject to a civil penalty in an amount not to exceed $50,000 for each such violation, except that, with respect to such an unfair labor practice within the meaning of paragraph (3) or (4) of section 8(a) or such a violation of section 8(a) that results in the discharge of an employee or other serious economic harm to an employee, the Board shall double the amount of such penalty, to an amount not to exceed $100,000, in any case where the employer has within the preceding 5 years committed another such violation of such paragraph (3) or (4) or such violation of section 8(a) that results in such discharge or other serious economic harm. A civil penalty under this paragraph shall be in addition to any other remedy ordered by the Board.

''(c) CONSIDERATIONS.—In determining the amount of any civil penalty under this section, the Board shall consider—

''(1) the gravity of the actions of the employer resulting in the penalty, including the impact of such actions on the charging party or on other persons seeking to exercise rights guaranteed by this Act;

''(2) the size of the employer;

''(3) the history of previous unfair labor practices or other actions by the employer resulting in a penalty; and

''(4) the public interest.

''(d) DIRECTOR AND OFFICER LIABILITY.—If the Board determines, based on the particular facts and circumstances presented, that a director or officer's personal liability is warranted, a civil penalty for a violation described in this section may also be assessed against any director or officer of the employer who directed or committed the violation, had established a policy that led to such a violation, or had actual or constructive knowledge of and the authority to prevent the violation and failed to prevent the violation.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2022.

Subtitle C—Workforce Development Matters

PART 1—DEPARTMENT OF LABOR

SEC. 22001. DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available until September 30, 2026, which shall be allotted in accordance with subsection (b)(2) of section 132 and reserved under subsection (a) of section 133 of the Workforce Innovation and Opportunity Act, and allocated under subsection (b)(1)(B) of section 133 of such Act for each local area to provide—

(1) career services authorized under subsection (c)(2) of section 134 of the Workforce Innovation and Opportunity Act, including individualized career services described in section 134(c)(2)(A)(xii) of such Act;

(2) supportive services and needs-related payments authorized under paragraphs (2) and (3) of section 134(d) of the Workforce Innovation and Opportunity Act, except that the requirements of subparagraphs (B) and (C) of paragraph (3) of such section shall not apply; and

(3) training services, including through individual training accounts, authorized under section 134(c)(3) of the Workforce Innovation and Opportunity Act, except that for purposes of providing transitional jobs as part of those services under this section, section 134(d)(5) of such Act shall be applied by substituting ''40 percent'' for ''10 percent''.

(b) SUPPLEMENT NOT SUPPLANT.—Amounts made available to carry out this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide employment and training activities for dislocated workers, including funds provided under the Workforce Innovation and Opportunity Act.

SEC. 22002. ADULT WORKER EMPLOYMENT AND TRAINING ACTIVITIES.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2026, which shall be allotted in accordance with subsection (b)(1) of section 132 and reserved under subsection (a) of section 133 of the Workforce Innovation and Opportunity Act, and allocated under subsection (b)(1)(A) of section 133 of such Act for each local area to provide—

(1) career services authorized under subsection (c)(2) of section 134 of the Workforce Innovation and Opportunity Act, including individualized career services described in section 134(c)(2)(A)(xii) of such Act;

(2) supportive services and needs-related payments authorized under paragraphs (2) and (3) of section 134(d) of the Workforce Innovation and Opportunity Act, except that the requirements of subparagraphs (B) and (C) of paragraph (3) of such section shall not apply; and

(3) training services, including through individual training accounts, authorized under section 134(c)(3) of the Workforce Innovation and Opportunity Act, except that for purposes of providing incumbent worker training as part of those services under this section, if such training is provided to low-wage workers, section 134(d)(4)(A)(i) of such Act shall be applied by substituting ''40 percent'' for ''20 percent''.

(b) SUPPLEMENT NOT SUPPLANT.—Amounts made available to carry out this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide adult employment and training activities, including funds provided under the Workforce Innovation and Opportunity Act.

SEC. 22003. YOUTH WORKFORCE INVESTMENT ACTIVITIES.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,500,000,000, to remain available until September 30, 2026, which shall be allotted in accordance with subparagraphs (B) and (C) of section 127(b)(1) and reserved under subsection (a) of section 128 of the Workforce Innovation and Opportunity Act, and allocated under subsection (b) of section 128 of such Act for each local area to—

(1) carry out the youth workforce investment activities authorized under section 129 of the Workforce Innovation and Opportunity Act;

(2) provide opportunities for in-school youth and out-of-school youth to participate in paid work experiences described in subsection (c)(2)(C) of section 129 of the Workforce Innovation and Opportunity Act; and

(3) partner with community-based organizations to support out-of-school youth, including those residing in high-crime or high-poverty areas.

(b) SUPPLEMENT NOT SUPPLANT.—Amounts made available to carry out this section shall be used to supplement and not supplant other Federal, State, and local public funds expended for youth workforce investment activities, including funds provided under the Workforce Innovation and Opportunity Act.

SEC. 22004. EMPLOYMENT SERVICE.

In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, the following amounts, to remain available until September 30, 2026:

(1) $400,000,000 for carrying out the State grant activities authorized under section 7 of the Wagner-Peyser Act, which shall be allotted in accordance with section 6 of such Act, except that, for purposes of this section, funds shall also be reserved and used for the Commonwealth of the Northern Mariana Islands and American Samoa in amounts the Secretary determines appropriate prior to the allotments being made in accordance with section 6 of such Act.

(2) $100,000,000 for carrying out improvements to State workforce and labor market information systems.

SEC. 22005. RE-ENTRY EMPLOYMENT OPPORTUNITIES.

In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, the following amounts, to remain available until September 30, 2026:

(1) $375,000,000, for carrying out the Reentry Employment Opportunities program.

(2) $125,000,000, for competitive grants to national and regional intermediaries to carry out Reentry Employment Opportunity programs that prepare for employment young adults with criminal records, young adults who have been justice system-involved, or young adults who have dropped out of school or other educational programs, made with a priority for projects serving high-crime, high-poverty areas.

SEC. 22006. REGISTERED APPRENTICESHIPS, YOUTH APPRENTICESHIPS, AND PRE-APPRENTICESHIPS.

In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, the following amounts, to remain available until September 30, 2026:

(1) $500,000,000 for carrying out activities through grants, cooperative agreements, contracts, or other arrangements, including arrangements with States and outlying areas (as such terms are defined in paragraphs (45) and (56), respectively, of section 3 of the Workforce Innovation and Opportunity Act), equity intermediaries, and business and labor industry partner intermediaries, to create or expand only—

(A) registered apprenticeship programs;

(B) pre-apprenticeship programs that articulate to registered apprenticeship programs; and

(C) youth apprenticeship programs that—

(i) provide participants with high-quality, classroom-based related instruction and training, and employment opportunities with progressively increasing wages; and

(ii) prepare participants for enrollment in an institution of higher education (as defined in section 101 or 102(c) of the Higher Education Act of 1965), a registered apprenticeship program, and employment.

(2) $500,000,000 for carrying out activities through arrangements described in paragraph (1) to support programs described in such paragraph that serve a high number or high percentage of individuals with barriers to employment (as defined in section 3(24) of the Workforce Innovation and Opportunity Act), including individuals with disabilities, or nontraditional apprenticeship populations.

SEC. 22007. INDUSTRY OR SECTOR PARTNERSHIP GRANTS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,600,000,000, to remain available until September 30, 2026, for the Secretary to award, on a competitive basis, grants, contracts, or cooperative agreements to eligible partnerships for the purposes of expanding employment and

training activities for high-skill, high-wage, or in-demand industry sectors or occupations.

(b) ELIGIBILITY.—To be eligible to receive funds under this section, an eligible partnership shall submit to the Secretary an application that includes a description of programs to be supported with such funds, the recognized postsecondary credentials participants in such programs will earn, and related employment opportunities for which participants in such programs will be prepared.

(c) USES OF FUNDS.—An eligible partnership awarded funds under this section shall use such funds to—

(1) regularly engage and convene stakeholders to develop, or expand, employment and training activities for the high-skill, high-wage, or in-demand industry sector or occupation on which such partnership is focused;

(2) directly provide, or arrange for the provision of, high-quality, evidence-based training that leads to the attainment of nationally or regionally portable and stackable recognized postsecondary credentials for the industry sector or occupation described in paragraph (1), which shall include—

(A)(i) training services described in any clause of subparagraph (D) of section 134(c)(3) of the Workforce Innovation and Opportunity Act provided through contracts that meet the requirements of that section 134(c)(3); or

(ii) training provided through—

(I) registered apprenticeship programs;

(II) pre-apprenticeship programs that articulate to registered apprenticeship programs;

(III) youth apprenticeship programs that—

(aa) provide participants with high-quality, classroom-based related instruction and training, and employment opportunities with progressively increasing wages; and

(bb) prepare participants for enrollment in an institution of higher education (as defined in section 101 or 102(c)) of the Higher Education Act of 1965), a registered apprenticeship program, and employment; or

(IV) joint labor-management organizations; and

(B) the provision of information on related skills or competencies that may be attained through such training or credentials;

(3) directly provide, or arrange for the provision of, services to help individuals with barriers to employment prepare for, complete, and successfully transition out of training described in paragraph (2), which services shall include career services, supportive services, or provision of needs-related payments authorized under subsections (c)(2), (d)(2), and (d)(3) of section 134 of the Workforce Innovation and Opportunity Act, except that, for purposes of this section, subparagraphs (B) and (C) of section 134(d)(3) of that Act shall not apply; and

(4) establish or implement plans for providers of programs supported with such funds to meet the criteria and carry out the procedures to be included on the eligible training services provider list described in section 122(d) of the Workforce Innovation and Opportunity Act.

(d) ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2026, for—

(1) targeted outreach and support to eligible partnerships serving local areas with high unemployment rates or high percentages of dislocated workers or individuals with barriers to employment, to provide guidance and assistance in the application process under this section;

(2) administration of the program described in this section, including providing comprehensive technical assistance and oversight to support eligible partnerships; and

(3) evaluating and reporting on the performance and impact of programs funded under this section.

(e) STATE BOARD OR LOCAL BOARD FUNDS.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2026, to provide direct assistance to State boards or local boards to support the creation or expansion of industry or sector partnerships in local areas with high unemployment rates or high percentages of dislocated workers or individuals with barriers to employment, as compared to State or national averages for such rates or percentages.

(f) SUPPLEMENT NOT SUPPLANT.—Amounts made available to carry out this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to support activities described in this section.

SEC. 22008. JOB CORPS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2026—

(1) to provide funds to operators and service providers to—

(A) carry out the activities and services described in sections 148 and 149 of the Workforce Innovation and Opportunity Act; and

(B) improve and expand access to allowances and services described in section 150 of such Act; and

(2) for the construction, rehabilitation, and acquisition of Job Corps centers, notwithstanding section 158(c) of the Workforce Innovation and Opportunity Act.

(b) ELIGIBILITY OF OPERATORS AND SERVICE PROVIDERS.—For the purposes of carrying out subsection (a), an entity in a State or outlying area (as such term is defined in section 3(45) of the Workforce Innovation and Opportunity Act) may be eligible to be selected as an operator or service provider.

SEC. 22009. NATIVE AMERICAN PROGRAMS.

In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2026, to carry out activities described in section 166(d)(2)(A) of the Workforce Innovation and Opportunity Act.

SEC. 22010. MIGRANT AND SEASONAL FARMWORKER PROGRAMS.

In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $70,000,000, to remain available until September 30, 2026, to carry out activities described in section 167(d) of the Workforce Innovation and Opportunity Act, except that, for purposes of providing services as part of such activities to low-income individuals under this section, section 3(36)(A)(ii)(I) of such Act shall be applied by substituting ''150 percent of the poverty line'' for ''the poverty line''.

SEC. 22011. YOUTHBUILD PROGRAM.

In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2026, to carry out activities described in section 171(c)(2) of the Workforce Innovation and Opportunity Act, including for the purposes of improving and expanding access to services, stipends, wages, and benefits described in subparagraphs (A)(vii) and (F) of section 171(c)(2) of such Act.

SEC. 22012. SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM.

In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $35,000,000, to remain available until September 30, 2026, for the Senior Community Service Employment program authorized under section 502 of the Older Americans Act of 1965.

SEC. 22013. PROVISION OF INFORMATION.

For purposes of determinations of the eligibility of individuals to participate in activities funded under this subtitle, the provision of information for such determinations by Federal agencies other than the Department of Labor or the Department of Education shall not be required.

SEC. 22014. DEFINITIONS.

In this part:

(1) ELIGIBLE PARTNERSHIP.—The term ''eligible partnership'' means—

(A) an industry or sector partnership, which shall include multiple representatives described in each of clauses (i) through (iii) of paragraph (26)(A) of section 3 of the Workforce Innovation and Opportunity Act; or

(B) a State board or local board, a joint labor-management organization, or an entity eligible to be a representative under clause (i), (ii), or (iii) of paragraph (26)(A) of section 3 of the Workforce Innovation and Opportunity Act, that is in the process of establishing an industry or sector partnership described in subparagraph (A), to carry out a grant, contract, or cooperative agreement under section 22007.

(2) EVIDENCE-BASED.—The term ''evidence-based'' has the meaning given the term in section 3(23) of the Carl D. Perkins Career and Technical Education Act of 2006.

(3) REGISTERED APPRENTICESHIP PROGRAM.—The term ''registered apprenticeship program'' means an apprenticeship program registered with the Office of Apprenticeship of the Employment and Training Administration of the Department of Labor or a State apprenticeship agency recognized by the Office of Apprenticeship pursuant to the Act of August 16, 1937 (commonly known as the ''National Apprenticeship Act''; 50 Stat. 664, chapter 663).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(5) WIOA DEFINITIONS.—

(A) IN GENERAL.—The terms ''career pathway'', ''in-demand industry sector or occupation'', ''individual with a barrier to employment'', ''industry or sector partnership'', ''local area'', ''local board'', ''recognized postsecondary credential'', ''State board'', and ''supportive services'' have the meanings given the terms in paragraphs (7), (23), (24), (26), (32), (33), (52), (57), and (59), respectively, of section 3 of the Workforce Innovation and Opportunity Act.

(B) CAREER SERVICES.—The term ''career services'' means services described in section 134(c)(2) of the Workforce Innovation and Opportunity Act.

PART 2—DEPARTMENT OF EDUCATION

SEC. 22101. ADULT EDUCATION AND LITERACY.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $700,000,000, to remain available until September 30, 2027, to carry out the program of adult education and literacy activities authorized under the Workforce Innovation and Opportunity Act, except that, for each fiscal year for which an eligible agency receives funds appropriated under this section, section 222(a)(1) of the Workforce Innovation and Opportunity Act shall be applied by substituting ''not less than 10 percent'' for ''not more than 20 percent'', and section 222(b) of such Act shall not apply.

(b) SUPPLEMENT NOT SUPPLANT.—Amounts made available to carry out this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to support adult education and literacy activities, including funds provided under the Workforce Innovation and Opportunity Act.

SEC. 22102. CAREER AND TECHNICAL EDUCATION.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, the following amounts, to remain available until September 30, 2027:

(1) $600,000,000 for carrying out career and technical education programs authorized under section 124 and section 135 of the Carl D. Perkins Career and Technical Education Act of 2006, which shall be allotted in accordance with section 111 and section 112 of such Act, except that subsection (b) of section 112 shall not apply.

(2) $100,000,000 for carrying out the innovation and modernization program in subsection (e) of section 114 of the Carl D. Perkins Career and Technical Education Act of 2006, except that, for purposes of this paragraph, paragraph (2) of such subsection and the 20 percent limitation in paragraph (1) of such subsection shall not apply and eligible agencies, as defined in section 3(18) of such Act, shall be eligible to receive grants under such program.

(b) SUPPLEMENT NOT SUPPLANT.—Amounts made available to carry out this section shall be used to supplement and not supplant other Federal, State, and local public funds expended for career and technical education programs, including funds provided under the Carl D. Perkins Career and Technical Education Act of 2006.

SEC. 22103. COMMUNITY COLLEGE AND INDUSTRY PARTNERSHIP GRANTS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,900,000,000, to remain available until September 30, 2026, for the Secretary, in coordination with the Secretary of Labor, to award grants, on a competitive basis, to eligible institutions for the purposes of expanding employment and training activities for high-skill, high-wage, or in-demand industry sectors or occupations.

(b) ELIGIBILITY.—To be eligible to receive such a grant, an eligible institution shall submit to the Secretary an application that includes a description of programs to be supported with such grant, the recognized postsecondary credentials participants in such programs will earn, and the related employment opportunities for which participants in such programs will be prepared.

(c) USE OF FUNDS.—An eligible institution awarded a grant under this section shall use such grant funds to expand opportunities for attainment of recognized postsecondary credentials that are nationally or regionally portable and stackable for high-skill, high-wage, or in-demand industry sectors or occupations by—

(1) establishing, improving, or scaling high-quality, evidence-based education or career training programs, career pathway programs, or work-based learning programs (including registered apprenticeship programs or pre-apprenticeships that articulate to registered apprenticeship programs);

(2) providing services to help individuals with barriers to employment prepare for, complete, and successfully transition out of programs described in paragraph (1) supported by such grant, which shall include providing supportive services, career services, career guidance and academic counseling, or job placement assistance; and

(3) carrying out 1 or more of the following:

(A) Creating, developing, or expanding articulation agreements (as defined in section 486A(a) of the Higher Education Act of 1965), credit transfer agreements, corequisite remediation programs, dual or concurrent enrollment programs, or policies and processes to award academic credit for prior learning or for programs described in paragraph (1) supported by such grant.

(B) Making available information on curricula and recognized postsecondary credentials, including those created or developed using such grant, and information on the related skills or competencies and related employment and earnings outcomes.

(C) Establishing or implementing plans for providers of programs described in paragraph (1) supported by such grant to meet the criteria and carry out the procedures to be included on the eligible training services provider list described in section 122(d) of the Workforce Innovation and Opportunity Act.

(D) Purchasing, leasing, or refurbishing specialized equipment necessary to carry out such programs.

(E) Reducing participants' cost of attendance in such programs.

(F) Establishing or expanding industry or sector partnerships to successfully carry out the activities supported by such grant under this paragraph, and paragraphs (1) and (2).

(d) ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, to carry out, in coordination of the Department of Labor, the following activities:

(1) Targeted outreach to eligible institutions serving a high number or high percentage of low-income individuals or individuals with barriers to employment, and rural-serving eligible institutions, to provide guidance and assistance in the grant application process under this section.

(2) Administration of the program described in this section, including providing technical assistance and oversight to support eligible institutions.

(3) Evaluating and reporting on the performance and impact of programs funded under this section.

(e) SUPPLEMENT NOT SUPPLANT.—Amounts available to carry out this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to support activities described in this section.

(f) DEFINITIONS.—In this section:

(1) COMMUNITY COLLEGE.—The term ''community college'' means—

(A) a degree-granting public institution of higher education (as defined in section 101 of the Higher Education Act of 1965) at which—

(i) the highest degree awarded is an associate degree; or

(ii) an associate degree is the most frequently awarded degree;

(B) a 2-year Tribal College or University (as defined in section 316(b)(3) of the Higher Education Act of 1965);

(C) a degree-granting Tribal College or University (as defined in section 316(b)(3) of the Higher Education Act of 1965) at which—

(i) the highest degree awarded is an associate degree; or

(ii) an associate degree is the most frequently awarded degree; or

(D) a branch campus of a 4-year public institution of higher education (as defined in section 101 of the Higher Education Act of 1965), if, at such branch campus—

(i) the highest degree awarded is an associate degree; or

(ii) an associate degree is the most frequently awarded degree.

(2) ELIGIBLE INSTITUTION.—The term ''eligible institution'' means a community college, a postsecondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965), or a consortium of such colleges or institutions, that is working directly with an industry or sector partnership, or in the process of establishing such partnership, to carry out a grant under this section.

(3) PERKINS CTE DEFINITIONS.—The terms ''career guidance and academic counseling'', ''dual or concurrent enrollment program'', ''evidence-based'', and ''work-based learning'' have the meanings given the terms in paragraphs (7), (15), (23), and (55), respectively, of section 3 of the Carl D. Perkins Career and Technical Education Act of 2006.

(4) REGISTERED APPRENTICESHIP PROGRAM.—The term ''registered apprenticeship program'' means an apprenticeship program registered with the Office of Apprenticeship of the Employment and Training Administration of the Department of Labor or a State apprenticeship agency recognized by the Office of Apprenticeship pursuant to the Act of August 16, 1937 (commonly known as the ''National Apprenticeship Act''; 50 Stat. 664, chapter 663).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(6) WIOA DEFINITIONS.—

(A) IN GENERAL.—The terms ''career pathway'', ''in-demand industry sector or occupation'', ''individual with a barrier to employment'', ''industry or sector partnership'', ''recognized postsecondary credential'', and ''supportive services'' have the meanings given the terms in paragraphs (7), (23), (24), (26), (52), and (59), respectively, of section 3 of the Workforce Innovation and Opportunity Act.

(B) CAREER SERVICES.—The term ''career services'' means services described in section 134(c)(2) of the Workforce Innovation and Opportunity Act.

PART 3—COMPETITIVE INTEGRATED EMPLOYMENT TRANSFORMATION GRANT PROGRAM

SEC. 22201. COMPETITIVE INTEGRATED EMPLOYMENT TRANSFORMATION GRANT PROGRAM.

(a) APPROPRIATION.—In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, the following amounts, to remain available through fiscal year 2029, for the Secretary of Labor to award grants to covered States in accordance with this section to assist employers in such States who were issued special certificates under section 14(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)) (referred to in this part as ''special certificates'') in transforming their business and program models from providing employment using special certificates to business and program models that employ and support people with disabilities in competitive integrated employment:

(1) $189,000,000 for subsection (d)(2)(B).

(2) $81,000,000 for subsection (d)(2)(C).

(b) APPLICATIONS.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a covered State shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

(A) a description of the status of the employers in the covered State providing employment using special certificates, including—

(i) the number of employers in the covered State using special certificates to employ and pay people with disabilities;

(ii) the number of employees in the covered State employed under a special certificate;

(iii) the average number of hours such employees work per week; and

(iv) the average hourly wage for such employees;

(B) a description of activities to be funded under the grant, and the goals of such activities, including the activities of the covered State with respect to competitive integrated employment for people with disabilities; and

(C) assurances that—

(i) the activities carried out under the grant will result in—

(I) each employer in the covered State that, on the date of enactment of this Act, provides employment using special certificates transforming its business and program models as described in subsection (c)(1); and

(II) each employer in the covered State ceasing to use special certificates by the end of the 5-year grant period and no longer applying for or renewing such certificates;

(ii) each individual in the covered State who is employed under a special certificate will, as a result of such a transformation, be employed in competitive integrated employment or a combination of competitive integrated employment and integrated services, including by compensating all employees of the employer for all hours worked at a rate that is—

(I) not less than the higher of—

(aa) the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1));

(bb) the rate specified in an applicable State or local minimum wage law; or

(cc) in the case of work on a contract that is subject to chapter 67 of title 41, United States Code, the applicable prevailing wage rate under such chapter; and

(II) not less than the rate paid by the employer for the same or similar work performed by other employees who are not people with disabilities, and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; and

(iii) the covered State will establish an advisory council to monitor and guide the process of transforming business and program models of employers in the covered State as described in subsection (c)(1).

(c) USE OF FUNDS.—A covered State receiving a grant under this section shall use the grant funds for each of the following activities:

(1) Identifying each employer in the State that will transform its business and program models from employing people with disabilities using special certificates to employing people with disabilities in competitive integrated employment settings, or a setting involving a combination of competitive integrated employment and integrated services.

(2) Implementing a service delivery infrastructure to support people with disabilities who have been employed under special certificates through such a transformation, including providing enhanced integrated services to support people with the most significant disabilities.

(3) Expanding competitive integrated employment and integrated services to be provided to such people as a result of transformations described in paragraph (1).

(d) ALLOTMENTS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(A) determine the number of covered States; and

(B)(i) in a case in which the Secretary determines that there are 15 or more covered States, award each covered State a grant under paragraph (2); or

(ii) in a case in which the Secretary determines that there are 14 or fewer covered States, award each covered State a grant under paragraph (3) for the first 5-year grant period under such paragraph.

(2) 15 OR MORE COVERED STATES.—

(A) IN GENERAL.—In a case in which the Secretary determines under paragraph (1) that there are 15 or more covered States, from the funds appropriated under subsection (a), the Secretary shall allot to each covered State a grant under this section in an amount equal to the sum of—

(i) the allotment made to the covered State in accordance with subparagraph (B); and

(ii) the allotment made to the covered State in accordance with subparagraph (C).

(B) ALLOTMENT BASED ON THE NUMBER OF EMPLOYEES EMPLOYED UNDER SPECIAL CERTIFICATES.—From the total amount of the funds appropriated under subsection (a)(1), the Secretary shall allot to each covered State an amount that bears the same relationship to such total amount as the number of people with disabilities who are employed under a special certificate in the covered State bears to the total number of people with disabilities who are employed under a special certificate in all covered States.

(C) ALLOTMENT BASED ON THE NUMBER OF EMPLOYERS WITH SPECIAL CERTIFICATES.—From the total amount of the funds appropriated under subsection (a)(2), the Secretary shall allot to each covered State an amount that bears the same relationship to such total amount as the number of employers in the covered State who have in effect a special certificate bears to the total number of employers in all covered States who have in effect such a certificate.

(D) DATA.—In determining the number of people with disabilities who are employed under a special certificate for purposes of subparagraph (B) and the number of employers who have in effect a special certificate for purposes of subparagraph (C), the Secretary shall use the most accurate data available to the Secretary on the date of enactment of this Act.

(E) GRANT PERIOD.—A grant under this paragraph shall be awarded for a period of 5 years.

(3) 14 OR FEWER COVERED STATES.—

(A) IN GENERAL.—In a case in which the Secretary determines under paragraph (1) that there are 14 or fewer covered States, from the funds appropriated under subsection (a), the Secretary shall award a grant to each covered State in an amount that the Secretary determines necessary for the covered State to accomplish the purpose of the grant described in such subsection and for the Secretary to meet the requirements of this paragraph.

(B) GRANT PERIODS.—

(i) IN GENERAL.—The Secretary shall award grants under this paragraph for 2 separate, 5-year grant periods.

(ii) SECOND 5-YEAR GRANT PERIOD.—Grants for the second 5-year grant period shall be awarded—

(I) not earlier than the end of the second year of the first 5-year grant period described in paragraph (1)(B)(ii); and

(II) not later than September 30, 2025.

(C) LIMIT ON NUMBER OF GRANTS.—No State may receive more than 1 grant under this paragraph.

(e) DEFINITION OF COVERED STATE.—In this section, the term ''covered State'' means a State (as defined in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203)) that—

(1) as of the date of enactment of this Act, has not phased out, or is not in the process of phasing out, the use of special certificates in the State; and

(2) submits an application under subsection (b) that meets the requirements under such subsection.

SEC. 22202. GRANTS FOR STATES TO EXPAND COMPETITIVE INTEGRATED EMPLOYMENT.

(a) APPROPRIATION.—In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $24,000,000, to remain available through fiscal year 2029, for the Secretary of Labor to award grants to covered States in accordance with this section to assist employers in such States who were issued special certificates in continuing to transform their business and program models from providing employment using special certificates to business and program models that employ and support people with disabilities in competitive integrated employment.

(b) APPLICATIONS.—To be eligible to receive a grant under this section, a covered State shall submit an application to the Secretary at such time, in such manner, and include such information as the Secretary may reasonably require, including a description of activities to be funded under the grant and the activities of the covered State with respect to competitive integrated employment for people with disabilities.

(c) USE OF FUNDS.—A covered State that receives a grant under this section shall use the grant funds for activities to expand competitive integrated employment and integrated services to be provided to people with disabilities.

(d) GRANT AWARD.—Not later than 18 months after the date of enactment of this Act, the Secretary shall award each covered State a grant in an amount that bears the same relationship to the total amount appropriated under subsection (a) as the population of the covered State bears to the total population of all covered States.

(e) GRANT PERIOD.—A grant under this section shall be awarded for a period of 5 years.

(f) DEFINITION OF COVERED STATE.—In this section, the term ''covered State'' means a State (as defined in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203)) that—

(1) as of the date of enactment of this Act, has phased out, or is the process of phasing out, the use of special certificates in the State; and

(2) submits an application under subsection (b) that meets the requirements under such subsection.

SEC. 22203. TECHNICAL ASSISTANCE.

In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $6,000,000, to remain available through fiscal year 2029, for the Secretary to, in partnership with the Office of Special Education and Rehabilitative Services of the Department of Education, establish, either directly or through grants, contracts, or cooperative agreements, a national technical assistance center to—

(1) provide technical assistance to employers who are transforming from employing people with disabilities using special certificates to employing people with disabilities in competitive integrated employment settings; and

(2) collect and disseminate information on evidence-based practices for such transformations and for providing competitive integrated employment and integrated services.

SEC. 22204. SUPPLEMENT AND NOT SUPPLANT.

Any funds made available to a State under this part shall be used to supplement and not supplant any Federal, State, or local public funds expended—

(1) to assist employers in such State who were issued a special certificate in transforming (or continuing to transform) their business and program models from providing employment using special certificates to business and program models that employ and support people with disabilities in competitive integrated employment; or

(2) to support the employment of people with disabilities in competitive integrated employment.

SEC. 22205. DEFINITIONS.

In this part:

(1) COMPETITIVE INTEGRATED EMPLOYMENT.—The term ''competitive integrated employment'' has the meaning given such term in section 7(5) of the Rehabilitation Act of 1973 (29 U.S.C. 705(5)).

(2) EMPLOYEE; EMPLOYER.—The terms ''employee'' and ''employer'' have the meanings given such terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(3) INTEGRATED SERVICES.—The term ''integrated services'' means services for people with disabilities that are—

(A) designed to assist such people in developing skills and abilities to reside successfully in home and community-based settings;

(B) provided in accordance with a person-centered written plan of care;

(C) created using evidence-based practices that lead to such people—

(i) maintaining competitive integrated employment;

(ii) achieving independent living; or

(iii) maximizing socioeconomic self-sufficiency, optimal independence, and full participation in the community;

(D) provided in a community location that is not specifically intended for people with disabilities;

(E) provided in a location that—

(i) allows the people receiving the services to interact with people without disabilities to the fullest extent possible; and

(ii) makes it possible for the people receiving the services to access community resources that are not specifically intended for people with disabilities and to have the same opportunity to participate in the community as people who do not have a disability; and

(F) provided in multiple locations to allow the individual receiving the services to have options, thereby—

(i) optimizing individual initiative, autonomy, and independence; and

(ii) facilitating choice regarding services and supports, and choice regarding the provider of such services.

(4) PEOPLE WITH DISABILITIES.—The term ''people with disabilities'' includes individuals described in section 14(c)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)(1)).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

PART 4—RECRUITMENT, EDUCATION AND TRAINING, RETENTION, AND CAREER ADVANCEMENTS FOR THE DIRECT CARE WORKFORCE

SEC. 22301. DEFINITIONS.

In this part:

(1) CTE DEFINITIONS.—The terms ''area career and technical education school'', ''evidence-based'', and ''work-based learning'' have the meanings given such terms in paragraphs (3), (23), and (55), respectively, of section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

(2) WIOA DEFINITIONS.—The terms ''career pathway'', ''career planning'', ''individual with a barrier to employment'', ''local board'', ''older individual'', ''on-the-job training'', ''recognized postsecondary credential'', and ''State board'' have the meanings given such terms paragraphs (7), (8), (24), (33), (39), (44), (52), and (57), respectively, of section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(3) OTHER DEFINITIONS.—

(A) DIRECT SUPPORT WORKER.—The term ''direct support worker'' means—

(i) a direct support professional;

(ii) a worker providing direct care services, which may include palliative care, in a home or community-based setting;

(iii) a respite care provider who provides short-term support and care to an individual in order to provide relief to a family caregiver;

(iv) a direct care worker, as defined in section 799B of the Public Health Service Act (42 U.S.C. 295p); or

(v) an individual in any other position or job related to those described in clauses (i) through (iv), as determined by the Secretary in consultation with the Secretary of Health and Human Services acting through the Administrator for the Administration for Community Living.

(B) ELIGIBLE ENTITY.—The term ''eligible entity'' means an entity that is—

(i) a State;

(ii) a labor organization or a joint labor-management organization;

(iii) a nonprofit organization with experience in aging, disability, supporting the rights and interests of direct support workers, or training or educating direct support workers;

(iv) an Indian Tribe or Tribal organization;

(v) an urban Indian organization;

(vi) a State board or local board;

(vii) an area agency on aging (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002));

(viii) when in partnership with an entity described in any of clauses (i) through (vii) or with a consortium described in clause (ix)—

(I) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001) or section 102(a)(1)(B) of such Act (20 U.S.C. 1002(a)(1)(B))); or

(II) an area career and technical education school; or

(ix) a consortium of entities listed in any of clauses (i) through (vii).

(C) FAMILY CAREGIVER.—The term ''family caregiver'' means a paid or unpaid adult family member or other individual who has a significant relationship with, and who provides a broad range of assistance to, an individual with a chronic or other health condition, disability, or functional limitation.

(D) HOME AND COMMUNITY-BASED SERVICES.—The term ''home and community-based services'' has the meaning given such term in section 9817(a)(2) of the American Rescue Plan Act of 2021 (Public Law 117–2).

(E) PERSON WITH A DISABILITY.—The term ''person with a disability'' means an individual with a disability as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

(F) PRE-APPRENTICESHIP PROGRAM.—The term ''pre-apprenticeship program'' means a program that articulates to a registered apprenticeship program.

(G) REGISTERED APPRENTICESHIP PROGRAM.—The term ''registered apprenticeship program'' means an apprenticeship program registered with the Office of Apprenticeship of the Employment Training Administration of the Department of Labor or a State apprenticeship agency recognized by the Office of Apprenticeship pursuant to the Act of August 16, 1937 (commonly known as the ''National Apprenticeship Act''; 50 Stat. 664, chapter 663).

(H) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(I) STATE.—The term ''State'' means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 22302. GRANTS TO SUPPORT THE DIRECT CARE WORKFORCE.

(a) GRANTS AUTHORIZED.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2031, for awarding, on a competitive basis, grants to eligible entities to carry out the activities described in subsection (c) with respect to direct support workers.

(b) APPLICATIONS; AWARD BASIS.—

(1) APPLICATIONS.—

(A) IN GENERAL.—An eligible entity seeking a grant under subsection (a) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary, in coordination with the Secretary of Health and Human Services acting through the Administrator of the Administration for Community Living, may require.

(B) CONTENTS.—Each application under subparagraph (A) shall include—

(i) a description of the type or types of direct support workers the entity plans to serve through the activities supported by the grant;

(ii) a description of the one or more eligible entities collaborating to carry out the activities described in subsection (c); and

(iii) an assurance that—

(I) the eligible entity will consult on the development and implementation of the grant, with direct support workers, their representatives, and recipients of direct care services and their families; and

(II) the eligible entity will consult on the implementation of the grant, or coordinate the activities of the grant, with the agencies in the State that are responsible for developmental disability services, aging, education, workforce development, and Medicaid, to the extent that each such entity is not the eligible entity.

(2) DURATION OF GRANTS.—A grant awarded under this section shall be for a period of 3 years, and may be renewed. The Secretary, in coordination with the Secretary of Health and Human Services acting through the Administrator of the Administration for Community Living, shall award grants (including any renewals) under this section in 3-year cycles subject to the limits set forth in subsection (a).

(c) USE OF FUNDS.—

(1) REQUIRED USE OF FUNDS.—Each eligible entity receiving a grant under subsection (a) shall use the grant funds to provide competitive wages, benefits, and other supportive services, including transportation, child care, dependent care, workplace accommodations, and workplace health and safety protections, to the direct support workers served by the grant that are necessary to enable such workers to participate in the activities supported by the grant.

(2) ADDITIONAL ACTIVITIES.—In addition to the requirement described in paragraph (1), each eligible entity receiving a grant under subsection (a) shall use the grant funds for one or more of the following activities:

(A) Developing and implementing a strategy for the recruitment of direct support workers.

(B) Developing and implementing a strategy for the retention of direct support workers using evidence-based best practices, such as providing mentoring to such workers, including a strategy that can also support family caregivers.

(C) Developing or implementing an education and training program for the direct support workers served by the grant, which shall include—

(i) education and training on—

(I) the rights of direct support workers under applicable Federal, State, or local employment law on—

(aa) wages and hours, including under sections 3, 6, 7, 12, and 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203, 206, 207, 212, 213);

(bb) safe working conditions, including under section 5 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 654); and

(cc) forming, joining, or assisting a labor organization, including under sections 7 and 8 of the National Labor Relations Act (29 U.S.C. 157, 158); and

(II) relevant Federal and State laws (including regulations) on the provision of home and community-based services; and

(ii) providing a progressively increasing, clearly defined schedule of hourly wages to be paid to each direct support worker served by the grant for each hour the worker spends on education or training provided through the program described in this subparagraph, with a schedule of hourly wages that—

(I) is consistent with measurable skill gains or attainment of a recognized postsecondary credential received as a result of participation in or completion of such education or training program; and

(II) ensures that each such worker is compensated for each hour the worker spends on education or training through such program at an entry rate that is not less than the greater of the applicable minimum wage required by other applicable Federal, State, or local law, or a collective bargaining agreement;

(iii) developing and implementing a strategy for the retention and career advancement of the direct support workers served by the grant, including providing career planning for the direct support workers served by the grant to support the identification of advancement opportunities, and career pathways in the direct care or home care sectors; and

(iv) using evidence-based models and standards for achievement for the attainment of any associated recognized postsecondary credentials, which include—

(I) supporting opportunities to participate in pre-apprenticeship or registered apprenticeship programs, work-based learning, or on-the-job training;

(II) providing on-the-job supervision or mentoring to support the development of related

skills and competencies throughout completion of such credentials; and

(III) training on the in-demand skills and competencies of direct support workers served by the grant, including the provision of culturally competent and disability competent supports and services.

(d) SUPPLEMENT AND NOT SUPPLANT.—An eligible entity receiving a grant under this section shall use such grant only to supplement, and not supplant, the amount of funds that, in the absence of such grant, would be available to the eligible entity to address the recruitment, education and training, retention, or career advancement of direct support workers in the State served by the grant.

PART 5—DEPARTMENT OF LABOR INSPECTOR GENERAL AND PROGRAM ADMINISTRATION FUNDING

SEC. 22401. DEPARTMENT OF LABOR INSPECTOR GENERAL.

In addition to amounts otherwise available, there is appropriated to the Office of Inspector General of the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $40,000,000, to remain available until expended, for salaries and expenses necessary for oversight, investigations, and audits of programs, grants, and projects of the Department of Labor funded under this subtitle and subtitle B of this title.

SEC. 22402. PROGRAM ADMINISTRATION.

In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $90,000,000, to remain available until September 30, 2029, for program administration within the Department of Labor for salaries and expenses necessary to implement part 1 (other than section 22007), and parts 3 and 4, of this subtitle.

Subtitle D—Child Care and Universal Prekindergarten

SEC. 23001. BIRTH THROUGH FIVE CHILD CARE AND EARLY LEARNING ENTITLEMENT.

(a) CHILD CARE DEFINITIONS.—The definitions in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n) shall apply to this section, except as provided in subsection (b) and as otherwise specified.

(b) ADDITIONAL DEFINITIONS.—In this section:

(1) CHILD CARE CERTIFICATE.—

(A) IN GENERAL.—The term ''child care certificate'' means a certificate (that may be a check or other disbursement) that is issued by a State, Tribal, territorial, or local government under this section directly to a parent who shall use such certificate only as payment for child care services or as a deposit for child care services if such a deposit is required of other children being cared for by the provider.

(B) RULE.—Nothing in this section shall preclude the use of such certificates for sectarian child care services if freely chosen by the parent. For the purposes of this section, child care certificates shall be considered Federal financial assistance to the provider.

(2) CHILD EXPERIENCING HOMELESSNESS.—The term ''child experiencing homelessness'' means an individual who is a homeless child or youth under section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).

(3) ELIGIBLE ACTIVITY.—The term ''eligible activity'', with respect to a parent, shall include, at minimum, activities consisting of—

(A) full-time or part-time employment;

(B) self-employment;

(C) job search activities;

(D) job training;

(E) secondary, postsecondary, or adult education, including education through a program of high school classes, a course of study at an institution of higher education, classes towards an equivalent of a high school diploma recognized by State law, or English as a second language classes;

(F) health treatment (including mental health and substance use treatment) for a condition that prevents the parent from participating in other eligible activities;

(G) activities to prevent child abuse and neglect, or family violence prevention or intervention activities;

(H) employment and training activities under the supplemental nutrition assistance program established under section 6(d)(4) the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)(4));

(I) employment and training activities under the Workforce Innovation and Opportunity Act;

(J) a work activity described in subsection (d) of section 407 of the Social Security Act (42 U.S.C. 607) for which, consistent with clauses (ii) and (iii) of section 402(a)(1)(A) of such Act (42 U.S.C. 602(a)(1)(A)), a parent or caretaker is treated as being engaged in work for a month in a fiscal year for purposes of the program of block grants to States for temporary assistance for needy families established under part A of title IV of the Social Security Act; and

(K) taking leave under the Family and Medical Leave Act of 1993 (or equivalent provisions for Federal employees), a State or local paid or unpaid leave law, or a program of employer-provided leave.

(4) ELIGIBLE CHILD.—

(A) IN GENERAL.—The term ''eligible child'' means an individual, subject to subsection (g)(1)(C)(i)(III)—

(i) who is less than 6 years of age;

(ii) who is not yet in kindergarten;

(iii) whose family income—

(I) does not exceed 100 percent of the State median income for a family of the same size for fiscal year 2022;

(II) does not exceed 125 percent of such State median income for fiscal year 2023;

(III) does not exceed 150 percent of such State median income for fiscal year 2024; and

(IV) does not exceed 250 percent of such State median income for each of the fiscal years 2025 through 2027; and

(iv) who—

(I) resides with a parent or parents who are participating in an eligible activity;

(II) is included in a population of vulnerable children identified by the lead agency involved, which at a minimum shall include children with disabilities, infants and toddlers with disabilities, children experiencing homelessness, children in foster care, children in kinship care, and children who are receiving, or need to receive, child protective services; or

(III) resides with a parent who is more than 65 years of age.

(B) EXPANDED ELIGIBILITY RULE FOR FISCAL YEARS 2022 THROUGH 2024.—

(i) IN GENERAL.—A child who is eligible to receive services under this subparagraph shall be treated as an eligible child for the other provisions of this section.

(ii) RULE.—Notwithstanding subparagraph (A)(iii), a State may use the payments under subsection (g)(1) for fiscal year 2022, 2023, or 2024, to provide direct child care services described in subsection (h)(1)(A) to children who meet the requirements of clauses (i), (ii), and (iv) of subparagraph (A) and whose family income exceeds the percentage specified in subparagraph (A)(iii) (but does not exceed 250 percent) of State median income for a family of the same size for a given fiscal year, if the State has appropriately prioritized, subject to approval by the Secretary, assistance for such services based on family income.

(iii) VARIATION IN COST OF LIVING.—In determining eligibility under this subparagraph, the State may take into consideration geographic variation in the cost of living among regions of the State and expand eligibility for children described in clause (ii) in a region of the State based on such variation, subject to approval by the Secretary.

(5) ELIGIBLE CHILD CARE PROVIDER.—

(A) IN GENERAL.—The term ''eligible child care provider'' means a center-based child care provider, a family child care provider, or other provider of child care services for compensation that—

(i) is licensed to provide child care services under State law or, in the case of an Indian Tribe or Tribal organization, meets the rules set by the Secretary;

(ii) participates in the State's tiered system for measuring the quality of eligible child care providers described in subsection (f)(4)(B), or, in the case of an Indian Tribe or Tribal organization, meets the rules set by the Secretary—

(I) not later than the last day of the third fiscal year for which the State receives funds under this section; and

(II) for the remainder of the period for which the provider receives funds under this section; and

(iii) satisfies the State and local requirements applicable to eligible child care providers under the Child Care and Development Block Grant Act of 1990, including those requirements described in section 658E(c)(2)(I) of such Act (42 U.S.C. 9858c(c)(2)(I)).

(B) SPECIAL RULE.—A child care provider who is eligible to provide child care services in a State for children receiving assistance under the Child Care and Development Block Grant Act of 1990 on the date the State submits an application for funds under this section, and remains in compliance with any licensing or registration standards, or regulations, of the State, shall be deemed to be an eligible child care provider under this section for 3.5 years after the State first receives funding under this section.

(6) FMAP.—The term ''FMAP'' has the meaning given the term ''Federal medical assistance percentage'' in the first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(7) FAMILY CHILD CARE PROVIDER.—The term ''family child care provider'' means one or more individuals who provide child care services, in a private residence other than the residences of the children involved, for less than 24 hours per day per child, or for 24 hours per day per child due to the nature of the work of the parent involved.

(8) INCLUSIVE CARE.—The term ''inclusive'', with respect to care (including child care), means care provided by an eligible child care provider—

(A) for whom the percentage of children served by the provider who are children with disabilities or infants or toddlers with disabilities reflects the prevalence of children with disabilities and infants and toddlers with disabilities (whichever the provider serves) among children within the State involved; and

(B) that provides care and full participation for children with disabilities and infants and toddlers with disabilities (whichever the provider serves) alongside children who are—

(i) not children with disabilities; and

(ii) not infants and toddlers with disabilities.

(9) INFANT OR TODDLER.—The term ''infant or toddler'' means an individual who is less than 3 years of age.

(10) INFANT OR TODDLER WITH A DISABILITY.—The term ''infant or toddler with a disability'' has the meaning given the term in section 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1432).

(11) LEAD AGENCY.—The term ''lead agency'' means the agency designated under subsection (e).

(12) STATE.—The term ''State'' means any of the 50 States and the District of Columbia.

(13) TERRITORY.—The term ''territory'' means the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(c) APPROPRIATIONS.—

(1) STATES.—

(A) STATE APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human

Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(i)(I) $11,460,000,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subsection (h)(1)(A) in fiscal year 2022;

(II) $5,730,000,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subsection (h)(1)(B) in fiscal year 2022;

(III) $4,125,600,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subparagraph (A) or (B) of subsection (h)(1), as determined by the State or Commonwealth, in fiscal year 2022; and

(IV) $1,604,400,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subparagraph (A), (B), or (C) of subsection (h)(1), as determined by the State or Commonwealth, in fiscal year 2022;

(ii)(I) $16,235,000,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subsection (h)(1)(A) in fiscal year 2023;

(II) $8,117,500,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subsection (h)(1)(B) in fiscal year 2023;

(III) $5,844,600,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subparagraph (A) or (B) of subsection (h)(1), as determined by the State or Commonwealth, in fiscal year 2023; and

(IV) $2,272,900,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subparagraph (A), (B), or (C) of subsection (h)(1), as determined by the State or Commonwealth, in fiscal year 2023; and

(iii)(I) $20,055,000,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subsection (h)(1)(A) in fiscal year 2024;

(II) $10,027,500,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subsection (h)(1)(B) in fiscal year 2024;

(III) $7,219,800,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subparagraph (A) or (B) of subsection (h)(1), as determined by the State or Commonwealth, in fiscal year 2024; and

(IV) $2,807,700,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subparagraph (A), (B), or (C) of subsection (h)(1), as determined by the State or Commonwealth, in fiscal year 2024.

(B) STATE ENTITLEMENT.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for each of fiscal years 2025 through 2027, for payments to States, for carrying out this section (other than carrying out activities described in paragraph (4), (5), or (6)).

(2) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—

(A) INDIAN TRIBE AND TRIBAL ORGANIZATION APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, for grants to Indian Tribes and Tribal organizations for the purpose of carrying out the child care program described in this section (other than carrying out activities described in paragraph (4), (5), or (6)), consistent, to the extent practicable as determined by the Secretary, with the requirements applicable to States—

(i) $960,000,000, to remain available until September 30, 2027, to carry out the child care program in fiscal year 2022;

(ii) $1,360,000,000, to remain available until September 30, 2027, to carry out the child care program in fiscal year 2023; and

(iii) $1,680,000,000 to remain available until September 30, 2027, to carry out the child care program in fiscal year 2024.

(B) INDIAN TRIBE AND TRIBAL ORGANIZATION ENTITLEMENT.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for each of fiscal years 2025 through 2027, for payments to Indian Tribes and Tribal organizations, for the purpose of carrying out the child care program described in this section (other than carrying out activities described in paragraph (4), (5), or (6)), consistent, to the extent practicable as determined by the Secretary, with the requirements applicable to States.

(3) TERRITORIES.—

(A) TERRITORY APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, for grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands for the purpose of carrying out the child care program described in this section (other than carrying out activities described in paragraph (4), (5), or (6)), consistent, to the extent practicable as determined by the Secretary, with the requirements applicable to States—

(i) $120,000,000, to remain available until September 30, 2027, to carry out the child care program in fiscal year 2022;

(ii) $170,000,000, to remain available until September 30, 2027, to carry out the child care program in fiscal year 2023; and

(iii) $210,000,000, to remain available until September 30, 2027, to carry out the child care program in fiscal year 2024.

(B) TERRITORY ENTITLEMENT.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for each of fiscal years 2025 through 2027, for payments to territories, for the purpose of carrying out the child care program described in this section (other than carrying out activities described in paragraph (4), (5), or (6)), consistent, to the extent practicable as determined by the Secretary, with the requirements applicable to States.

(4) GRANTS TO LOCALITIES.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(A) $950,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (i)(2) in fiscal year 2023;

(B) $950,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (i)(2) in fiscal year 2024;

(C) $950,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (i)(2) in fiscal year 2025;

(D) $950,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (i)(2) in fiscal year 2026; and

(E) $950,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (i)(2) in fiscal year 2027.

(5) HEAD START EXPANSION IN NONPARTICIPATING STATES.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(A) $2,850,000,000, to remain available until September 30, 2027, to carry out the program of awards to Head Start agencies described in subsection (i)(3) in fiscal year 2023;

(B) $2,850,000,000, to remain available until September 30, 2027, to carry out the program of awards to Head Start agencies described in subsection (i)(3) in fiscal year 2024;

(C) $2,850,000,000, to remain available until September 30, 2027, to carry out the program of awards to Head Start agencies described in subsection (i)(3) in fiscal year 2025;

(D) $2,850,000,000, to remain available until September 30, 2027, to carry out the program of awards to Head Start agencies described in subsection (i)(3) in fiscal year 2026; and

(E) $2,850,000,000, to remain available until September 30, 2027, to carry out the program of awards to Head Start agencies described in subsection (i)(3) in fiscal year 2027.

(6) FEDERAL ADMINISTRATION.—

(A) FISCAL YEARS 2022 THROUGH 2025.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(i) $130,000,000, to remain available until September 30, 2027, to carry out subsections (k) and (l) in fiscal year 2022;

(ii) $130,000,000, to remain available until September 30, 2027, to carry out subsections (k) and (l) in fiscal year 2023;

(iii) $130,000,000, to remain available until September 30, 2027, to carry out subsections (k) and (l) in fiscal year 2024; and

(iv) $130,000,000, to remain available until September 30, 2027, to carry out subsections (k) and (l) in fiscal year 2025.

(B) FISCAL YEARS 2026 THROUGH 2027.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services, out of any money in the Treasury not otherwise appropriated, for each of fiscal years 2026 and 2027, an amount equal to 1.06 percent of the prior year's appropriation under paragraph (1)(B), to carry out subsections (k) and (l).

(d) ESTABLISHMENT OF BIRTH THROUGH FIVE CHILD CARE AND EARLY LEARNING ENTITLEMENT PROGRAM.—

(1) IN GENERAL.—The Secretary is authorized to administer a child care and early learning entitlement program under which an eligible child, in a State, territory, or Indian Tribe, or served by a Tribal organization, with an approved application under subsection (f) or (g), shall be provided an opportunity to obtain high-quality child care services, subject to the requirements of this section.

(2) ASSISTANCE FOR EVERY ELIGIBLE CHILD.—Beginning on October 1, 2024, every child who applies for assistance under this section, who is in a State with an approved application under subsection (g), or in a territory or Indian Tribe or served by a Tribal organization with an approved application under subsection (f), and who is determined, by a lead agency (or other entity designated by a lead agency) for the State, territory, Indian Tribe, or Tribal organization involved, following standards and procedures established by the Secretary by rule, to be an eligible child, shall be offered assistance for direct child care services in accordance with and subject to the requirements and limitations of this section.

(e) LEAD AGENCY.—The Governor of a State or the head of a territory or Indian Tribe, desiring for the State, territory, or Indian tribe or a related tribal organization to receive a payment under this section, shall designate a lead agency

(such as a State agency or joint interagency office) to administer the child care program carried out under this section.

(f) APPLICATIONS AND STATE PLANS.—

(1) APPLICATION.—To be eligible to receive assistance under this section, a State shall prepare and submit to the Secretary for approval an application containing a State plan that—

(A) for a transitional State plan, meets the requirements under paragraph (3) and contains such information as the Secretary may require, to demonstrate the State will meet the requirements of this section; and

(B) for a full State plan, meets the requirements under paragraph (4) and contains that information.

(2) PERIOD COVERED BY PLAN.—A State plan contained in the application shall be designed to be implemented—

(A) for a transitional State plan, during a period of not more than 3 years; and

(B) for a full State plan, during a period of not more than 3 years.

(3) REQUIREMENTS FOR TRANSITIONAL STATE PLANS.—For a period of not more than 3 years following the date of enactment of this Act, the Secretary shall award funds under this section to States with an approved application that contains a transitional State plan, submitted under paragraph (1)(A) at such time, in such manner, and containing such information as the Secretary shall require, including, at a minimum—

(A) an assurance that the State will submit a State plan under paragraph (4); and

(B) a description of how the funds received by the State under this section will be spent to expand access to assistance for direct child care services and increase the supply and quality of child care providers within the State, in alignment with the requirements of this section.

(4) REQUIREMENTS FOR FULL STATE PLANS.—The Secretary shall award funds under this section to States with an approved application that contains a full State plan, submitted under paragraph (1)(B), at such time, in such manner, and containing such information as the Secretary shall by rule require, including, at a minimum, the following:

(A) PAYMENT RATES AND COST ESTIMATION.—

(i) PAYMENT RATES.—The State plan shall certify that payment rates for the provision of direct child care services for which assistance is provided in accordance with this section for the period covered by the plan, within 3 years after the State first receives funds under this section—

(I) will be sufficient to meet the cost of child care, and set in accordance with a cost estimation model or cost study described in clause (ii) that is approved by the Secretary; and

(II) will correspond to differences in quality (including improved quality) based on the State's tiered system for measuring the quality of eligible child care providers described in subparagraph (B).

(ii) COST ESTIMATION.—Such State plan shall—

(I) demonstrate that the State has, after consulting with relevant entities and stakeholders, developed and uses a statistically valid and reliable cost estimation model or cost study for the payment rates for direct child care services in the State that reflect rates for providers at each of the tiers of the State's tiered system for measuring the quality of eligible child care providers described in subparagraph (B), and variations in the cost of direct child care services by geographic area, type of provider, and age of child, and the additional costs associated with providing inclusive care;

(II) certify that the State's payment rates for direct child care services for which assistance is provided in accordance with this section—

(aa) are set in accordance with the most recent estimates from the most recent cost estimation model or cost study under subclause (I), so that providers at each tier of the tiered system for measuring provider quality described in subparagraph (B) receive a payment that is sufficient to meet the requirements of such tier;

(bb) are set so as to provide payments to providers not at the top tier of the tiered system that are sufficient to enable the providers to increase quality to meet the requirements for the next tier;

(cc) ensure adequate wages for staff of child care providers providing such direct child care services that—

(AA) at a minimum, provide a living wage for all staff of such child care providers; and

(BB) are equivalent to wages for elementary educators with similar credentials and experience in the State; and

(dd) are adjusted on an annual basis for cost of living increases to ensure those payment rates remain sufficient to meet the requirements of this section; and

(III) certify that the State will update, not less often than once every 3 years, the cost estimation model or cost study described in subclause (I).

(iii) PAYMENT PRACTICES.—Such State plan shall include an assurance that the State will implement payment practices that support the fixed costs of providing direct child care services.

(B) TIERED SYSTEM FOR MEASURING THE QUALITY OF ELIGIBLE CHILD CARE PROVIDERS.—Such State plan shall certify that the State has implemented, or assure that the State will implement within 3 years after first receiving funds under this section, a tiered system for measuring the quality of eligible child care providers who provide child care services for which assistance is made available under this section. Such tiered system shall—

(i) include a set of standards, for determining the tier of quality of a child care provider, that—

(I) uses standards for a highest tier that at a minimum are equivalent to Head Start program performance standards described in section 641A(a)(1)(B) of the Head Start Act (42 U.S.C. 9836a(a)(1)(B)) or other equivalent evidence-based standards approved by the Secretary; and

(II) includes quality indicators and thresholds that are appropriate for child development in different types of child care provider settings, including child care centers and the settings of family child care providers, and are appropriate for providers serving different age groups (including mixed age groups) of children;

(ii) include a different set of standards that includes indicators, when appropriate, for care during nontraditional hours of operation; and

(iii) provide for sufficient resources and supports for child care providers at tiers lower than the highest tier to facilitate progression toward meeting higher quality standards.

(C) ACHIEVING HIGH QUALITY FOR ALL CHILDREN.—Such State plan shall certify the State has implemented, or will implement within 3 years after first receiving funds under this section, policies and financing practices that will ensure all eligible children can choose to attend child care at the highest quality tier within 6 years after the date of enactment of this Act.

(D) COMPENSATION.—Such plan shall provide a certification that the State has or will have within 3 years after first receiving funds under this section, a wage ladder for staff of eligible child care providers receiving assistance under this section, including a certification that wages for such staff, at a minimum, will meet the requirements of subparagraph (A)(ii)(II)(cc).

(E) SLIDING FEE SCALE FOR COPAYMENTS.—

(i) IN GENERAL.—Except as provided in clause (ii)(I), the State plan shall provide an assurance that the State will for the period covered by the plan use a sliding fee scale described in clause (ii) to determine a copayment for a family receiving assistance under this section (or, for a family receiving part-time care, a reduced copayment that is the proportionate amount of the full copayment).

(ii) SLIDING FEE SCALE.—A full copayment described in clause (i) shall use a sliding fee scale that provides that, for a family with a family income—

(I) of not more than 75 percent of State median income for a family of the same size, the family shall not pay a copayment, toward the cost of the child care involved for all eligible children in the family;

(II) of more than 75 percent but not more than 100 percent of State median income for a family of the same size, the copayment shall be more than 0 but not more than 2 percent of that family income, toward such cost for all such children;

(III) of more than 100 percent but not more than 125 percent of State median income for a family of the same size, the copayment shall be more than 2 but not more than 4 percent of that family income, toward such cost for all such children;

(IV) of more than 125 percent but not more than 150 percent of State median income for a family of the same size, the copayment shall be more than 4 but not more than 7 percent of that family income, toward such cost for all such children; and

(V) of more than 150 percent but not more than 250 percent of the State median income for a family of the same size, the copayment shall be 7 percent of that family income, toward such cost for all such children.

(F) PROHIBITION ON CHARGING MORE THAN COPAYMENT.—The State plan shall certify that the State will not permit a child care provider receiving financial assistance under this section to charge, for child care for an eligible child, more than the total of—

(i) the financial assistance provided for the child under this section; and

(ii) any applicable copayment pursuant to subparagraph (E).

(G) ELIGIBILITY.—The State plan shall assure that each child who receives assistance under this section will be considered to meet all eligibility requirements for such assistance, and will receive such assistance, for not less than 12 months unless the child has aged out of the program, and the child's eligibility determination and redetermination, including any determination based on the State's definition of eligible activities, shall be implemented in a manner that supports child well-being and reduces barriers to enrollment, including continuity of services.

(H) POLICIES TO SUPPORT ACCESS TO CHILD CARE FOR UNDERSERVED POPULATIONS.—The State plan shall demonstrate that the State will prioritize increasing access to, and the quality and the supply of, child care in the State for underserved populations, including at a minimum, low-income children, children in underserved areas, infants and toddlers, children with disabilities and infants and toddlers with disabilities, children who are dual language learners, children experiencing homelessness, children in foster or kinship care, children who receive care during nontraditional hours, and vulnerable children as defined by the lead agency pursuant to subsection (b)(4)(A)(iv)(II).

(I) POLICIES.—The State plan shall include a certification that the State will apply, under this section, the policies and procedures described in subparagraphs (A), (B), (I), (J), (K)(i), (R), and (U) of section 658E(c)(2) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(2)), and the policies and procedures described in section 658H of such Act (42 U.S.C. 9858f), to child care services provided under this section.

(J) LICENSING.—The State plan shall demonstrate that the State has consulted or will consult with organizations (including labor organizations) representing child care directors, teachers, or other staff, early childhood education and development experts, and families to develop, within 2.5 years after first receiving funds under this section, licensing standards

appropriate for child care providers and a pathway to such licensure that is available to and appropriate for child care providers in a variety of settings, that will offer providers eligible under the Child Care and Development Block Grant Act of 1990 a reasonable pathway to become eligible providers under this section, and that will assure an adequate supply of child care. Such plan shall describe the timeline the State will use to ensure sufficient time for providers described in subsection (b)(5)(B) to comply with such licensing standards in order to remain eligible providers after 3.5 years after the State first receives funding under this section.

(g) PAYMENTS.—

(1) PAYMENTS FOR FISCAL YEARS 2022 THROUGH 2024.—

(A) DEFINITIONS.—For purposes of this paragraph—

(i) the term ''State'' means the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(ii) the term ''territory'' means Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

(B) ALLOTMENTS.—For each of fiscal years 2022 through 2024, the Secretary shall, from the amount appropriated under subsection (c)(1)(A) for such fiscal year, make allotments to each State with an application approved under subsection (f) in the same manner as the Secretary makes such allotments using the formula under section 658O(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m(b)).

(C) PAYMENTS.—

(i) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—

(I) IN GENERAL.—For each of fiscal years 2022 through 2024, from the amount appropriated for Indian Tribes and Tribal organizations under subsection (c)(2)(A), the Secretary shall make payments to Indian Tribes and Tribal organizations with an application approved under subclause (II), and the Tribes and Tribal organizations shall be entitled to such payments for the purpose of carrying out the child care program described in this section, consistent, to the extent practicable as determined by the Secretary, with the requirements applicable to States.

(II) APPLICATIONS.—An Indian Tribe or Tribal organization seeking a payment under this clause shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may specify, including an agreement to provide reports under subsection (j)(7).

(III) SPECIAL RULE.—The Secretary shall determine eligibility criteria for children from Indian tribes who are less than 6 years of age and not yet in kindergarten, which eligibility criteria shall not be more stringent than the eligibility criteria under subsection (b)(4)(A).

(ii) TERRITORIES.—

(I) IN GENERAL.—For each of fiscal years 2022 through 2024, from the amount appropriated for territories under subsection (c)(3)(A), the Secretary shall make payments to the territories with an application approved under subclause (II), and the territories shall be entitled to such payments, for the purpose of carrying out the child care program described in this section, consistent, to the extent practicable as determined by the Secretary, with the requirements applicable to States.

(II) APPLICATIONS.—A territory seeking a payment under this clause shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may specify, including an agreement to provide reports under subsection (j)(7).

(iii) STATES.—For each of fiscal years 2022 through 2024, each State that has an application approved under subsection (f) shall be entitled to a payment under this clause in the amount equal to its allotment under subparagraph (B) for such fiscal year.

(D) AUTHORITIES.—

(i) FISCAL YEARS 2022 THROUGH 2024.—Notwithstanding any other provision of this paragraph, for each of fiscal years 2022 through 2024, the Secretary shall have the authority—

(I) to reallot funds that were allotted under subparagraph (B) from any State without an approved application under subsection (f) by the date required by the Secretary, to States with an approved application under that subsection; and

(II) to reallot any amounts available for payments under subparagraph (C) that the Secretary elected to allot for—

(aa) an Indian Tribe or Tribal organization without an approved application under subparagraph (C)(i)(II) by the date required by the Secretary, to Tribes or Tribal organizations with such an approved application; and

(bb) any territory without an approved application under subparagraph (C)(ii)(II) by the date required by the Secretary, to territories with such an approved application.

(ii) FISCAL YEAR 2025.—Notwithstanding any other provision of this section, on October 1, 2024, the Secretary shall have the authority to reallot funds from payments made under subparagraph (C) that are unobligated on such date, to any entity without such unobligated funds that is a State with an approved application under subsection (f), an Indian Tribe or Tribal organization with an approved application under subparagraph (C)(i)(II), or a territory with an approved application under subparagraph (C)(ii)(II), to carry out the purposes of this section.

(2) PAYMENTS FOR FISCAL YEARS 2025 THROUGH 2027.—

(A) IN GENERAL.—For each of fiscal years 2025 through 2027:

(i) CHILD CARE ASSISTANCE FOR ELIGIBLE CHILDREN.—

(I) IN GENERAL.—The Secretary shall pay to each State with an approved application under subsection (f), and that State shall be entitled to, an amount for each quarter equal to 95.440 percent of expenditures (which shall be the Federal share of such expenditures) in the quarter for direct child care services described under subsection (h)(2)(B) for eligible children.

(II) EXCEPTION.—Funds reserved from the total under subsection (h)(2)(C) shall be subject to clause (ii).

(III) PROHIBITION.—Activities described in clause (ii) and clause (iii) may not be included in the cost of direct child care services described in this clause.

(ii) ACTIVITIES TO IMPROVE THE QUALITY AND SUPPLY OF CHILD CARE SERVICES.—The Secretary shall pay to each State with such an approved application, and that State shall be entitled to, an amount equal to the product of 1.06045 and the FMAP of expenditures (which product shall be the Federal share of such expenditures) to carry out activities to improve the quality and supply of child care services under subsection (h)(2)(C) subject to the limit specified in clause (i) of such subsection.

(iii) ADMINISTRATION.—The Secretary shall pay to each State with such an approved application, and that State shall be entitled to, an amount equal to 53.022 percent of expenditures (which shall be the Federal share of such expenditures) for the costs of administration incurred by the State—

(I) which shall include costs incurred by the State in carrying out the child care program established in this section; and

(II) which may include, at the option of the State, costs associated with carrying out requirements, policies, and procedures described in section 658H of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f).

(B) ADVANCE PAYMENT; RETROSPECTIVE ADJUSTMENT.—For each of fiscal years 2025 through 2027, the Secretary shall make payments under this paragraph for a period on the basis of advance estimates of expenditures submitted by the State and such other investigation as the Secretary may find necessary, and shall reduce or increase the payments as necessary to adjust for any overpayment or underpayment for previous periods. No interest shall be charged or paid on any amount due because of an overpayment or underpayment for previous periods.

(C) TERRITORIES AND TRIBES.—For each of fiscal years 2025 through 2027, from the amounts appropriated under paragraph (2)(B) or (3)(B) of subsection (c) the Secretary shall make payments to territories, and Indian Tribes and Tribal organizations, as the case may be, with applications submitted as described in paragraph (1), and approved by the Secretary for the purpose of carrying out the child care program described in this section, consistent, to the extent practicable as determined by the Secretary (subject to subsection (d)(2)), with the requirements applicable to States. The Secretary shall make the payments to such territories, Indian Tribes, and Tribal organizations on the basis of their relative need. Each entity that is such a territory, Indian Tribe, or Tribal organization shall be entitled to such a payment as may be necessary to carry out the activities described in subsection (h)(2), and to pay for the costs of administration incurred by the entity, which shall include costs incurred by the entity in carrying out the child care program, and which may include, at the option of the entity, costs associated with carrying out requirements, policies, and procedures described in section 658H of the Child Care and Development Block Grant Act of 1990.

(h) USE OF FUNDS.—

(1) USE OF FUNDS FOR FISCAL YEARS 2022 THROUGH 2024.—For each of fiscal years 2022 through 2024, a State (as defined in subsection (g)(1)) that receives a payment under subsection (g)(1) shall use such payment for—

(A) assistance for direct child care services, which shall consist only of—

(i) assistance for direct child care services for eligible children through grants and contracts, and child care certificates;

(ii) increasing child care provider payment rates to support the cost of providing high-quality direct child care services, including rates sufficient to support increased wages for staff of eligible child care providers; and

(iii) waiving or reducing copayments, to ensure that the families of children receiving assistance under this section do not pay more than 7 percent of family income toward the cost of the child care involved for all eligible children in the family;

(B) activities described in paragraph (2)(C), without regard to the requirement in clause (i)(I) of such paragraph or to the references to a quality child care amount in such paragraph; and

(C) costs of administration incurred by the State, which shall include the costs described in subclause (I) of subsection (g)(2)(A)(iii) and may, at the option of the State, include the costs described in subclause (II) of such subsection.

(2) USE OF FUNDS FOR FISCAL YEARS 2025 THROUGH 2027.—

(A) IN GENERAL.—Starting on October 1, 2024, a State shall use amounts provided to the State under subsection (g)(2) for direct child care services (provided on a sliding fee scale basis), activities to improve the quality and supply of child care services consistent with paragraph (C), and State administration consistent with subsection (g)(2)(A)(iii).

(B) CHILD CARE ASSISTANCE FOR ELIGIBLE CHILDREN.—

(i) IN GENERAL.—For each of fiscal years 2025 through 2027, from payments made to the State under subsection (g)(2) for that particular fiscal year, the State shall ensure that parents of eligible children can access direct child care services provided by an eligible child care provider under this section through a grant or contract as described in clause (ii) or a certificate as described in clause (iii).

(ii) GRANTS AND CONTRACTS.—The State shall award grants or contracts to eligible child care providers, consistent with the requirements under this section, for the provision of child care services for eligible children under this section that, at a minimum—

(I) support providers' operating expenses to meet and sustain health, safety, quality, and wage standards required under this section; and

(II) address underserved populations described in subsection (f)(4)(H).

(iii) CERTIFICATES.—The State shall issue a child care certificate directly to a parent who shall use such certificate only as payment for direct child care services or as a deposit for direct child care services if such a deposit is required of other children being cared for by the provider, consistent with the requirements under this section.

(C) ACTIVITIES TO IMPROVE THE QUALITY AND SUPPLY OF CHILD CARE SERVICES.—

(i) QUALITY CHILD CARE ACTIVITIES.—

(I) AMOUNT.—For each of fiscal years 2025 through 2027, from the total of the payments made to the State for a particular fiscal year, the State shall reserve and use a quality child care amount equal to not less than 5 percent and not more than 10 percent of the amount made available to the State through such payments for the previous fiscal year.

(II) USE OF QUALITY CHILD CARE AMOUNT.—Each State shall use the quality child care amount described in subclause (I) to implement activities described in this subparagraph to improve the quality and supply of child care services by eligible child care providers, and increase the number of available slots in the State for child care services funded under this section, prioritizing assistance for child care providers who are in underserved communities and who are providing, or are seeking to provide, child care services for underserved populations identified in subsection (f)(4)(H).

(III) ADMINISTRATION.—Activities funded under this subparagraph may be administered—

(aa) directly by the lead agency; or

(bb) through other State government agencies, local or regional child care resource and referral organizations, community development financial institutions, other intermediaries with experience supporting child care providers, or other appropriate entities that enter into a contract with the State to provide such assistance.

(ii) QUALITY AND SUPPLY ACTIVITIES.—Activities funded under the quality child care amount described in clause (i) shall include each of the following:

(I) STARTUP GRANTS AND SUPPLY EXPANSION GRANTS.—

(aa) IN GENERAL.—From a portion of the quality child care amount, a State shall make startup and supply expansion grants to support child care providers who are providing, or seeking to provide, child care services to children receiving assistance under this section, with priority for providers providing or seeking to provide child care in underserved communities and for underserved populations identified in subsection (f)(4)(H), to—

(AA) support startup and expansion costs; and

(BB) assist such providers in meeting health and safety requirements, achieving licensure, and meeting requirements in the State's tiered system for measuring the quality of eligible child care providers.

(bb) REQUIREMENT.—As a condition of receiving a startup or supply expansion grant under this subclause, a child care provider shall commit to meeting the requirements of an eligible provider under this section, and providing child care services to children receiving assistance under this section on an ongoing basis.

(II) QUALITY GRANTS.—From a portion of the quality child care amount, a State shall provide quality grants to support eligible child care providers in providing child care services to children receiving assistance under this section to improve the quality of such providers, including—

(aa) supporting such providers in meeting or making progress toward the requirements for the highest tier of the State's tiered system for measuring the quality of eligible child care providers under subsection (f)(4)(B); and

(bb) supporting such providers in sustaining child care quality, including supporting increased wages for staff and supporting payment of fixed costs.

(III) FACILITIES GRANTS.—

(aa) IN GENERAL.—From a portion of the quality child care amount, a State shall provide support, including through awarding facilities grants, for remodeling, renovation, or repair of a building or facility to the extent permitted under section 658F(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858).

(bb) ADDITIONAL USES.—For fiscal years 2022 through 2024, and in subsequent years with approval from the Secretary, a State may award such facilities grants for construction, permanent improvement, or major renovation of a building or facility primarily used for providing direct child care services, in accordance with the following:

(AA) Federal interest provisions will not apply to the renovation or rebuilding of privately-owned family child care homes under this subclause.

(BB) Eligible child care providers may not use funds for buildings or facilities that are used primarily for sectarian instruction or religious worship.

(CC) The Secretary shall develop parameters on the use of funds under this subclause for family child care homes.

(DD) The Secretary shall not retain Federal interest after a period of 10 years in any facility built, renovated, or repaired with funds awarded under this subclause.

(IV) LIMITATION.—For purposes of subclause (III), the Secretary shall not—

(aa) enter into any agreement related to funds for activities carried out under subclause (III)—

(AA) that is for a term extending beyond September 30, 2031; and

(BB) under which any payment could be outlaid after September 30, 2031; or

(bb) use any other funds available to the Secretary, other than funds provided under this section, to satisfy obligations initially made for activities carried out under subclause (III).

(V) STATE ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE SERVICES.—A State shall use a portion of the quality child care amount to improve the quality of child care services available for this program, which shall include—

(aa) supporting the training and professional development of the early childhood workforce, including supporting degree attainment and credentialing for early childhood educators;

(bb) developing, implementing, or enhancing the State's tiered system for measuring the quality of eligible child care providers under subsection (f)(4)(B);

(cc) improving the supply and quality of developmentally appropriate and inclusive child care programs and services for underserved populations described in subsection (f)(4)(H);

(dd) improving access to child care services for vulnerable children as defined by the lead agency pursuant to subsection (b)(4)(A)(iv)(II); and

(ee) providing outreach and enrollment support for families of eligible children.

(VI) TECHNICAL ASSISTANCE.—From a portion of the quality child care amount, the State shall provide technical assistance to increase the supply and quality of eligible child care providers who are providing, or seeking to provide, child care services to children receiving assistance under this section, including providing support to enable providers to achieve licensure.

(i) GRANTS TO LOCALITIES AND AWARDS TO HEAD START PROGRAMS.—

(1) ELIGIBLE LOCALITY DEFINED.—In this subsection, the term ''eligible locality'' means a city, county, or other unit of general local government.

(2) GRANTS TO LOCALITIES.—

(A) IN GENERAL.—The Secretary shall use funds appropriated under subsection (c)(4) to award local Birth Through Five Child Care and Early Learning Grants, in accordance with rules established by the Secretary, to eligible localities located in States that have not received payments under subsection (g). The Secretary shall award the grants to eligible localities in such a State from the allotment made for that State under subparagraph (B).

(B) ALLOTMENTS.—

(i) POVERTY LINE DEFINED.—In this subparagraph, the term ''poverty line'' means the poverty line defined and revised as described in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902).

(ii) GENERAL AUTHORITY.—For each State described in subparagraph (A), the Secretary shall allot for the State for a fiscal year an amount that bears the same relationship to the funds appropriated under subsection (c)(4) for the fiscal year as the number of children from families with family incomes that are below 200 percent of the poverty line, and who are under the age of 6, in the State bears to the total number of all such children in all States described in subparagraph (A).

(C) APPLICATION.—To receive a grant from the corresponding State allotment under subparagraph (B), an eligible locality shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The requirements for the application shall, to the greatest extent practicable, be consistent with the State plan requirements applicable to States under subsection (f).

(D) REQUIREMENTS.—The Secretary shall specify the requirements for an eligible locality to provide access to child care, which child care requirements shall, to the greatest extent practicable, be consistent with the requirements applicable to States under this section.

(E) RECOUPMENT OF UNUSED FUNDS.—Notwithstanding any other provision of this section, for each of fiscal years 2023 through 2027, the Secretary shall have the authority to recoup any unused funds allotted under subparagraph (B) for awards under paragraph (3)(A) to Head Start agencies in accordance with paragraph (3).

(3) HEAD START EXPANSION IN NONPARTICIPATING STATES.—

(A) IN GENERAL.—The Secretary shall use funds appropriated under subsection (c)(5) or recouped under paragraph (2) to make awards to Head Start agencies in a State described in paragraph (2)(A) to carry out the purposes of the Head Start Act in such State.

(B) RULE.—For purposes of carrying out the Head Start Act in circumstances not involving awards under this paragraph, funds awarded under subparagraph (A) shall not be included in the calculation of a ''base grant'' as such term is defined in section 640(a)(7)(A) of the Head Start Act (42 U.S.C. 9835(a)(7)(A)).

(C) DEFINITION.—In this paragraph, the term ''Head Start agency'' means an entity designated or eligible to be designated as a Head Start agency under section 641(a)(1) of the Head Start Act or as an Early Head Start agency (by receiving a grant) under section 645A(a) of such Act.

(4) PRIORITY FOR SERVING UNDERSERVED POPULATIONS.—In making determinations to award a grant or make an award under this subsection, the Secretary shall give priority to entities serving a high percentage of individuals from underserved populations described in subsection (f)(4)(H).

(j) PROGRAM REQUIREMENTS.—

(1) NONDISCRIMINATION.—The following provisions of law shall apply to any program or activity that receives funds provided under this section:

(A) Title IX of the Education Amendments of 1972.

(B) Title VI of the Civil Rights Act of 1964.

(C) Section 504 of the Rehabilitation Act of 1973.

(D) The Americans with Disabilities Act of 1990.

(E) Section 654 of the Head Start Act.

(2) PROHIBITION ON ADDITIONAL ELIGIBILITY REQUIREMENTS.—No individual shall be determined, by the Secretary, a State, or another recipient of funds under this section, to be ineligible for child care services provided under this section, except on the basis of eligibility requirements specified in or under this section.

(3) MAINTENANCE OF EFFORT.—

(A) IN GENERAL.—A State that receives payments under this section for a fiscal year, in using the funds made available through the payments, shall maintain the expenditures of the State for child care services at the average level of such expenditures by the State for the 3 preceding fiscal years.

(B) COUNTING RULE.—State expenditures counted for purposes of meeting the requirement in subparagraph (A) may also be counted for purposes of meeting the requirement to provide a non-Federal share under clause (i), (ii), or (iii), as appropriate, of subsection (g)(2)(A).

(4) SUPPLEMENT NOT SUPPLANT.—Funds received under this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide child care services in the State on the date of enactment of this Act, calculated as the average amount of such Federal, State, and local public funds expended for fiscal years 2019, 2020, and 2021.

(5) ALLOWABLE SOURCES OF NON-FEDERAL SHARE.—For purposes of providing the non-Federal share required under subsection (g)(2), a State's non-Federal share—

(A) for direct child care services described in subsection (g)(2)(A)(i)—

(i) shall not include contributions being used as a non-Federal share or match for another Federal award; and

(ii) shall be provided from State or local sources, contributions from philanthropy or other private organizations, or a combination of such sources and contributions; and

(B) for activities to improve the quality and supply of child care services described in subsection (g)(2)(A)(ii), and administration described in subsection (g)(2)(A)(iii)—

(i) shall not include contributions being used as a non-Federal share or match for another Federal award;

(ii) shall be provided from State or local sources, contributions from philanthropy or other private organizations, or a combination of such sources and contributions; and

(iii) may be in cash or in kind, fairly evaluated, including facilities or property, equipment, or services.

(6) INFORMATION FOR DETERMINATIONS.—For purposes of determinations of participation in an eligible activity, the provision of information for such determinations by Federal agencies other than the Department of Health and Human Services shall not be required.

(7) REPORTS.—A State, Indian Tribe, Tribal organization, or territory receiving funds under this section shall provide to the Secretary such periodic reports, providing a detailed accounting of the uses of the funds received under this section, as the Secretary may require for the administration of this section. The State, Indian Tribe, Tribal organization, or territory shall begin to provide the reports beginning not later than 60 days after its initial receipt of a payment under subsection (g)(1).

(k) MONITORING AND ENFORCEMENT.—

(1) REVIEW OF COMPLIANCE WITH REQUIREMENTS AND STATE PLAN.—The Secretary shall review and monitor compliance of States, territories, Tribal entities, and local entities with this section and State compliance with the plan described in subsection (f)(4).

(2) ISSUANCE OF RULE.—The Secretary shall establish by rule procedures for—

(A) receiving, processing, and determining the validity of complaints or findings concerning any failure of a State to comply with the State plan or any other requirement of this section;

(B) notifying a State when the Secretary has determined there has been a failure by the State to comply with a requirement of this section; and

(C) imposing sanctions under this subsection for such a failure.

(l) FEDERAL ADMINISTRATION.—Using funds reserved under subsection (c)(6), the Secretary shall carry out administration of this section, shall provide (including through the use of grants or cooperative agreements) technical assistance to States, territories, Indian Tribes, and Tribal organizations, and shall carry out research, and evaluations related to this section.

(m) TRANSITION PROVISIONS.—

(1) TREATMENT OF CHILD CARE AND DEVELOPMENT BLOCK GRANT FUNDS.—For each of fiscal years 2025, 2026, and 2027, a State receiving assistance under this section shall not use more than 10 percent of any funds received under the Child Care and Development Block Grant Act of 1990 to provide assistance for direct child care services to children who are under the age of 6, are not yet in kindergarten, and are eligible under that Act.

(2) SPECIAL RULES REGARDING ELIGIBILITY.—Any child who is less than 6 years of age, is not yet in kindergarten, and is receiving assistance under the Child Care and Development Block Grant Act of 1990 on the date funding is first allocated to the lead agency for the State, territory, Indian Tribe, or Tribal organization involved under this section—

(A) shall be deemed immediately eligible to receive assistance under this section; and

(B) may continue to use the child care provider of the family's choice.

(3) TRANSITION PROCEDURES.—The Secretary is authorized to institute procedures for implementing this section, including issuing guidance for States receiving funds under subsection (g)(1).

SEC. 23002. UNIVERSAL PRESCHOOL.

(a) DEFINITIONS.—In this section:

(1) CHILD EXPERIENCING HOMELESSNESS.—The term ''child experiencing homelessness'' means an individual who is a homeless child or youth under section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).

(2) CHILD WITH A DISABILITY.—The term ''child with a disability'' has the meaning given the term in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(3) COMPREHENSIVE SERVICES.—The term ''comprehensive services'' means services that are provided to low-income children and their families, and that are health, educational, nutritional, social, and other services that are determined, based on family needs assessments, to be necessary, within the meaning of section 636 of the Head Start Act (42 U.S.C. 9831).

(4) DUAL LANGUAGE LEARNER.—The term ''dual language learner'' means a child who is learning 2 or more languages at the same time, or a child who is learning a second language while continuing to develop the child's first language.

(5) ELIGIBLE CHILD.—The term ''eligible child'' means a child who is age 3 or 4, on the date established by the applicable local educational agency for kindergarten entry.

(6) ELIGIBLE PROVIDER.—The term ''eligible provider'' means—

(A) a local educational agency, acting alone or in a consortium or in collaboration with an educational service agency (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)), that is licensed by the State or meets comparable health and safety standards;

(B) a Head Start agency or delegate agency funded under the Head Start Act;

(C) a licensed center-based child care provider, licensed family child care provider, or community– or neighborhood–based network of licensed family child care providers; or

(D) a consortium of entities described in any of subparagraphs (A), (B), and (C).

(7) HEAD START AGENCY.—The term ''Head Start agency'', as used in paragraph (6)(B), or subsection (c)(5)(D) or (f)(1), means an entity designated as a Head Start agency under section 641(a)(1) of the Head Start Act or as an Early Head Start agency (by receiving a grant) under section 645A(a) of such Act.

(8) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(9) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(10) POVERTY LINE.—The term ''poverty line'' means the poverty line defined and revised as described in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902).

(11) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(12) STATE.—The term ''State'' means each of the several States and the District of Columbia.

(13) TERRITORY.—The term ''territory'' means each of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(14) TRIBAL ORGANIZATION.—The term ''Tribal organization'' has the meaning given the term ''tribal organization'' in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(b) UNIVERSAL PRESCHOOL.—

(1) APPROPRIATIONS FOR STATES.—

(A) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(i) $4,000,000,000, to remain available until September 30, 2027, for payments to States, for carrying out this section (except provisions and activities covered by paragraph (2)) in fiscal year 2022;

(ii) $6,000,000,000, to remain available until September 30, 2027, for payments to States, for carrying out this section (except provisions and activities covered by paragraph (2)) in fiscal year 2023; and

(iii) $8,000,000,000, to remain available until September 30, 2027, for payments to States, for carrying out this section (except provisions and activities covered by paragraph (2)) in fiscal year 2024.

(B) ADDITIONAL APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for each of fiscal years 2025 through 2027, to remain available for 1 additional fiscal year, for payments to States, for carrying out this section (except provisions and activities covered by paragraph (2)).

(2) ADDITIONAL APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(A) $2,500,000,000, to remain available until September 30, 2027, for carrying out payments to Indian Tribes and Tribal organizations for activities described in this section;

(B) $1,000,000,000, to remain available until September 30, 2027, for carrying out payments to the territories, to be distributed among the territories on the basis of their relative need, as determined by the Secretary in accordance with the objectives of this section, for activities described in this section;

(C) $300,000,000, to remain available until September 30, 2027, for carrying out payments to eligible local entities that serve children in families who are engaged in migrant or seasonal agricultural labor, for activities described in this section;

(D)(i) $165,000,000, to remain available until September 30, 2027, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, in fiscal year 2022;

(ii) $200,000,000 to remain available until September 30, 2027, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, in fiscal year 2023;

(iii) $200,000,000, to remain available until September 30, 2027, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, in fiscal year 2024;

(iv) $208,000,000, to remain available until September 30, 2027, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, in fiscal year 2025;

(v) $212,000,000, to remain available until September 30, 2027, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, in fiscal year 2026; and

(vi) $216,000,000, to remain available until September 30, 2027, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, in fiscal year 2027;

(E)(i) $2,500,000,000, to remain available until September 30, 2027, to improve compensation of Head Start staff consistent with subparagraphs (A)(i) and (B)(viii) of section 640(a)(5) of the Head Start Act (42 U.S.C. 9835(a)(5)), notwithstanding section 653(a) of such Act (42 U.S.C. 9848(a)), in fiscal year 2022;

(ii) $2,500,000,000, to remain available until September 30, 2027, to improve compensation of Head Start staff consistent with subparagraphs (A)(i) and (B)(viii) of section 640(a)(5) of the Head Start Act (42 U.S.C. 9835(a)(5)), notwithstanding section 653(a) of such Act (42 U.S.C. 9848(a)), in fiscal year 2023;

(iii) $2,500,000,000, to remain available until September 30, 2027, to improve compensation of Head Start staff consistent with subparagraphs (A)(i) and (B)(viii) of section 640(a)(5) of the Head Start Act (42 U.S.C. 9835(a)(5)), notwithstanding section 653(a) of such Act (42 U.S.C. 9848(a)), in fiscal year 2024;

(iv) $2,500,000,000, to remain available until September 30, 2027, to improve compensation of Head Start staff consistent with subparagraphs (A)(i) and (B)(viii) of section 640(a)(5) of the Head Start Act (42 U.S.C. 9835(a)(5)), notwithstanding section 653(a) of such Act (42 U.S.C. 9848(a)), in fiscal year 2025;

(v) $2,500,000,000, to remain available until September 30, 2027, to improve compensation of Head Start staff consistent with subparagraphs (A)(i) and (B)(viii) of section 640(a)(5) of the Head Start Act (42 U.S.C. 9835(a)(5)), notwithstanding section 653(a) of such Act (42 U.S.C. 9848(a)), in fiscal year 2026; and

(vi) $2,500,000,000, to remain available until September 30, 2027, to improve compensation of Head Start staff consistent with subparagraphs (A)(i) and (B)(viii) of section 640(a)(5) of the Head Start Act (42 U.S.C. 9835(a)(5)), notwithstanding section 653(a) of such Act (42 U.S.C. 9848(a)), in fiscal year 2027;

(F)(i) $1,900,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (f)(2) in fiscal year 2023;

(ii) $1,900,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (f)(2) in fiscal year 2024;

(iii) $1,900,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (f)(2) in fiscal year 2025;

(iv) $1,900,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (f)(2) in fiscal year 2026; and

(v) $1,900,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (f)(2) in fiscal year 2027; and

(G)(i) $1,900,000,000, to remain available until September 30, 2027, to carry out the program of awards to Head Start agencies described in subsection (f)(3) in fiscal year 2023;

(ii) $1,900,000,000, to remain available until September 30, 2027, to carry out the program of awards to Head Start agencies described in subsection (f)(3) in fiscal year 2024;

(iii) $1,900,000,000, to remain available until September 30, 2027, to carry out the program of awards to Head Start agencies described in subsection (f)(3) in fiscal year 2025;

(iv) $1,900,000,000, to remain available until September 30, 2027, to carry out the program of awards to Head Start agencies described in subsection (f)(3) in fiscal year 2026; and

(v) $1,900,000,000, to remain available until September 30, 2027, to carry out the program of awards to Head Start agencies described in subsection (f)(3) in fiscal year 2027.

(c) PAYMENTS FOR STATE UNIVERSAL PRESCHOOL SERVICES.—

(1) IN GENERAL.—A State that has submitted, and had approved by the Secretary, the State plan described in paragraph (5) is entitled to a payment under this subsection.

(2) PAYMENTS TO STATES.—

(A) PAYMENTS FOR FISCAL YEARS 2022 THROUGH 2024.—From amounts made available under subsection (b)(1) for any of fiscal years 2022 through 2024, the Secretary, in collaboration with the Secretary of Education, shall allot for the fiscal year, to each State that has a State plan under paragraph (5) or transitional State plan under paragraph (7) that is approved for a period including that fiscal year, an amount for the purpose of providing grants to eligible providers to provide high-quality preschool, using a formula that considers—

(i) the proportion of the number of children who are below the age of 6 and whose families have a family income at or below 200 percent of the poverty line for the most recent year for which satisfactory data are available, residing in the State, as compared to the number of such children, who reside in all States with approved plans for the fiscal year for which the allotment is being made; and

(ii) the existing Federal preschool investments in the State under the Head Start Act, as of the date of the allotment.

(B) PAYMENTS FOR FISCAL YEARS 2025 THROUGH 2027.—

(i) PRESCHOOL SERVICES.—For each of fiscal years 2025 through 2027, the Secretary shall pay to each State with an approved State plan under paragraph (5), an amount for that year equal to—

(I) 95.440 percent of the State's expenditures in the year for preschool services provided under subsection (d), for fiscal year 2025;

(II) 79.534 percent of the State's expenditures in the year for such preschool services, for fiscal year 2026; and

(III) 63.627 percent of the State's expenditures in the year for such preschool services, for fiscal year 2027.

(ii) STATE ACTIVITIES.—The Secretary shall pay to each State with an approved State plan under paragraph (5) an amount for a fiscal year equal to 53.022 percent of the amount of the State's expenditures for the activities described in paragraph (3), except that in no case shall a payment for a fiscal year under this clause exceed the amount equal to 10 percent of the State's expenditures described in clause (i) for such fiscal year.

(iii) NON-FEDERAL SHARE.—The remainder of the cost paid by the State for preschool services, that is not provided under clause (i), shall be considered the non-Federal share of the cost of those services. The remainder of the cost paid by the State for State activities, that is not provided under clause (ii), shall be considered the non-Federal share of the cost of those activities.

(iv) ADVANCE PAYMENT; RETROSPECTIVE ADJUSTMENT.—The Secretary shall make a payment under clause (i) or (ii) for a year on the basis of advance estimates of expenditures submitted by the State and such other investigation as the Secretary may find necessary, and shall reduce or increase the payment as necessary to adjust for any overpayment or underpayment for a previous year.

(C) AUTHORITIES.—

(i) FISCAL YEARS 2022 THROUGH 2024.—Notwithstanding any other provision of this paragraph, for each of fiscal years 2022 through 2024, the Secretary shall have the authority to reallot funds that were allotted under subparagraph (A) from any State without an approved application under paragraph (5) by the date required by the Secretary, to States with an approved application under that subsection.

(ii) FISCAL YEAR 2025.—Notwithstanding any other provision of this section, on October 1, 2024, the Secretary shall have the authority to reallot funds from payments made from allotments under subparagraph (A) that are unobligated on such date, to any State without such unobligated funds that is a State with an approved application under paragraph (5), to carry out the purposes of this section.

(3) STATE ACTIVITIES.—A State that receives a payment under paragraph (2) shall carry out all of the following activities:

(A) State administration of the State preschool program described in this section.

(B) Supporting a continuous quality improvement system for providers of preschool services participating, or seeking to participate, in the State preschool program, through the use of data, researching, monitoring, training, technical assistance, professional development, and coaching.

(C) Providing outreach and enrollment support for families of eligible children.

(D) Supporting data systems building.

(E) Supporting staff of eligible providers in pursuing credentials and degrees, including baccalaureate degrees.

(F) Supporting activities that ensure access to inclusive preschool programs for children with disabilities.

(G) Providing age-appropriate transportation services for children, which at a minimum shall include transportation services for children experiencing homelessness and children in foster care.

(H) Conducting or updating a statewide needs assessment of access to high-quality preschool services.

(4) LEAD AGENCY.—The Governor of a State desiring for the State to receive a payment under this subsection shall designate a lead agency (such as a State agency or joint interagency office) for the administration of the State's preschool program under this section.

(5) STATE PLAN.—In order to be eligible for payments under this section, the Governor of a State shall submit a State plan to the Secretary for approval by the Secretary, in collaboration with the Secretary of Education, at such time, in such manner, and containing such information as the Secretary shall by rule require, that includes a plan for achieving universal, high-quality, free, inclusive, and mixed-delivery preschool services. Such plan shall include, at a minimum, each of the following:

(A) A certification that—

(i) the State has in place developmentally appropriate, evidence-based preschool standards that, at a minimum, are as rigorous as the standards specified in subparagraph (B) of section 641A(a)(1) of the Head Start Act (42 U.S.C. 9836a(a)(1)) and include program standards for class sizes and ratios; and

(ii) the State will coordinate such standards with other early learning standards in the State.

(B) An assurance that the State will ensure—

(i) all preschool services in the State funded under this section will—

(I) be universally available to all children in the State without any additional eligibility requirements;

(II) be high-quality, free, and inclusive; and

(III) by not later than 1 year after the State receives such funding, meet the State's preschool education standards described in subparagraph (A); and

(ii) that the local preschool programs in the State funded under this section will—

(I) offer programming that meets the duration requirements of at least 1,020 annual hours;

(II) adopt policies and practices to conduct outreach and provide expedited enrollment, including prioritization, to—

(aa) children experiencing homelessness (which, in the case of a child attending a program provided by an eligible provider described in subsection (a)(6)(A), shall include immediate enrollment for the child);

(bb) children in foster care or kinship care;

(cc) children in families who are engaged in migrant or seasonal agricultural labor;

(dd) children with disabilities, including eligible children who are served under part C of the Individuals with Disabilities Education Act; and

(ee) dual language learners;

(III) provide for salaries, and set schedules for salaries, for staff of providers in the State preschool program that are equivalent to salaries of elementary school staff with similar credentials and experience;

(IV) at a minimum, provide a living wage for all staff of such providers; and

(V) require educational qualifications for teachers in the preschool program including, at a minimum, requiring that lead teachers in the preschool program have a baccalaureate degree in early childhood education or a related field by not later than 6 years after the date on which the State first receives funds under this Act, except that—

(aa) subject to item (bb), the requirements under this subclause shall not apply to individuals who were employed by an eligible provider or early education program for a cumulative 3 of the 5 years immediately preceding the date of enactment of this Act and have the necessary content knowledge and teaching skills for early childhood educators, as demonstrated through measures determined by the State; and

(bb) nothing in this section shall require the State to lessen State requirements for educational qualifications, in existence on the date of enactment of this Act, to serve as a teacher in a State preschool program.

(C) For States with existing publicly funded State preschool programs (as of the date of submission of the State plan), a description of how the State plans to use funding provided under this section to ensure that such existing programs in the State meet the requirements of this section for a State preschool program.

(D) A description of how the State, in establishing and operating the State preschool program supported under this section, will—

(i) support a mixed-delivery system for any new slots funded under this section, including by facilitating the participation of Head Start programs and programs offered by licensed child care providers;

(ii) ensure the State preschool program does not disrupt the stability of infant and toddler child care throughout the State;

(iii) ensure adequate consultation with the State Advisory Council on Early Childhood Education and Care designated or established in section 642B(b)(1)(A)(i) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A)(i)) in the development of its plan, including consultation in how the State intends to distribute slots under clause (v);

(iv) partner with Head Start agencies to ensure the full utilization of Head Start programs within the State; and

(v) distribute new preschool slots equitably among child care (including family child care) providers, Head Start agencies, and schools within the State.

(E) A certification that the State, in operating the program described in this section for a fiscal year—

(i) will not reduce the total preschool slots provided in State-funded preschool programs from the number of such slots in the previous fiscal year; or

(ii) if the number of eligible children identified in the State declines from the previous fiscal year, will maintain at least the previous year's ratio of the total preschool slots described in clause (i) to eligible children so identified.

(F) An assurance that the State will use funding provided under this section to ensure children with disabilities have access to and participate in inclusive preschool programs consistent with provisions in the Individuals with Disabilities Education Act, and a description of how the State will collaborate with entities carrying out programs under section 619 or part C of the Individuals with Disabilities Education Act, to support inclusive preschool programs.

(G) A certification that the State will support the continuous quality improvement of programs providing preschool services under this section, including support through technical assistance, monitoring, and research.

(H) A certification that the State will ensure a highly qualified early childhood workforce to support the requirements of this section.

(I) An assurance that the State will meet the requirements of clauses (ii) and (iii) of section 658E(c)(2)(T) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(2)(T)), with respect to funding and assessments under this section.

(J) A certification that subgrant and contract amounts provided as described in subsection (d) will be sufficient to enable eligible providers to meet the requirements of this section, and will provide for increased payment amounts based on the criteria described in subclauses (III) and (IV) of subparagraph (B)(ii).

(K) An agreement to provide to the Secretary such periodic reports, providing a detailed accounting of the uses of funding received under this section, as the Secretary may require for the administration of this section.

(6) DURATION OF THE PLAN.—Each State plan shall remain in effect for a period of not more than 3 years. Amendments to the State plan shall remain in effect for the duration of the plan.

(7) TRANSITIONAL STATE PLAN.—

(A) IN GENERAL.—The Secretary shall develop parameters for, and allow a State to submit for purposes of this subsection for a period of not more than 3 years, a transitional State plan, at such time, in such manner and containing such information as the Secretary shall require.

(B) CONTENTS.—The transitional plan shall—

(i) demonstrate that the State will meet the requirements of such plan as determined by the Secretary; and

(ii) include, at a minimum—

(I) an assurance that the State will submit a State plan under paragraph (5);

(II) a description of how the funds received by the State under this section will be spent to expand access to universal, high-quality, free, inclusive, and mixed-delivery preschool in alignment with the requirements of this section; and

(III) such data as the Secretary may require on the provision of preschool services in the State.

(d) SUBGRANTS AND CONTRACTS FOR LOCAL PRESCHOOL PROGRAMS.—

(1) SUBGRANTS AND CONTRACTS.—

(A) IN GENERAL.—A State that receives a payment under subsection (c)(2) for a fiscal year shall use amounts provided through the payment to pay the costs of subgrants to, or contracts with, eligible providers to operate universal, high-quality, free, and inclusive preschool programs (which State-funded programs may be referred to in this section as ''local preschool programs'') through the State preschool program in accordance with paragraph (3). A State shall reduce or increase the amounts provided under such subgrants or contracts if needed to adjust for any overpayment or underpayment described in subsection (c)(2)(B)(iv).

(B) AMOUNT.—A State shall award a subgrant or contract under this subsection in a sufficient amount to enable the eligible provider to operate a local preschool program that meets the requirements of subsection (c)(5)(B), which amount shall reflect variations in the cost of preschool services by geographic area, type of provider, and age of child, and the additional costs associated with providing inclusive preschool services for children with disabilities.

(C) DURATION.—The State shall award a subgrant or contract under this subsection for a period of not less than 3 years, unless the subgrant or contract is terminated or suspended, or the subgrant period is reduced, for cause.

(2) ENHANCED PAYMENTS FOR COMPREHENSIVE SERVICES.—In awarding subgrants or contracts under this subsection and in addition to meeting the requirements of paragraph (1)(B), the State shall award subgrants or contracts with enhanced payments to eligible providers that offer local preschool programs funded under this subsection to a high percentage of low-income children to support comprehensive services.

(3) ESTABLISHING AND EXPANDING UNIVERSAL PRESCHOOL PROGRAMS.—

(A) ESTABLISHING AND EXPANDING UNIVERSAL PRESCHOOL PROGRAMS IN HIGH-NEED COMMUNITIES.—In awarding subgrants or contracts under this subsection, the State shall first prioritize establishing and expanding universal local preschool programs within and across high-need communities by awarding subgrants or contracts to eligible providers operating within and across, or with capacity to operate within and across, such high-need communities. The State shall—

(i) use a research-based methodology approved by the Secretary to identify such high-need communities, as determined by—

(I) the rate of poverty in the community;

(II) rates of access to high-quality preschool within the community; and

(III) other indicators of community need as required by the Secretary; and

(ii) distribute funding for preschool services under this section within such a high-need community so that a majority of children in the community are offered such preschool services before the State establishes and expands preschool services in communities with lower levels of need.

(B) USE OF FUNDS.—Subgrants or contracts awarded under subparagraph (A) shall be used to enroll and serve children in such a local preschool program involved, including by paying the costs—

(i) of personnel (including classroom and administrative personnel), including compensation and benefits;

(ii) associated with implementing the State's preschool standards, providing curriculum supports, and meeting early learning and development standards;

(iii) of professional development, teacher supports, and training;

(iv) of implementing and meeting developmentally appropriate health and safety standards (including licensure, where applicable), teacher to child ratios, and group size maximums;

(v) of materials, equipment, and supplies; and

(vi) of rent or a mortgage, utilities, building security, indoor and outdoor maintenance, and insurance.

(4) ESTABLISHING AND EXPANDING UNIVERSAL PRESCHOOL PROGRAMS IN ADDITIONAL COMMUNITIES.—Once a State that receives a payment under subsection (c)(2) meets the requirements of paragraph (3) with respect to establishing and expanding local preschool programs within and across high-need communities, the State shall use funds from such payment to enroll and serve children in local preschool programs, as described in such paragraph, in additional communities in accordance with the metrics described in paragraph (3)(A)(i). Such funds shall be used for the activities described in clauses (i) through (vi) of paragraph (3)(B).

(e) PAYMENTS FOR UNIVERSAL PRESCHOOL SERVICES INDIAN TRIBES AND TERRITORIES.—

(1) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—

(A) IN GENERAL.—For each of fiscal years 2022 through 2027, from the amount appropriated for Indian Tribes and Tribal organizations under subsection (b)(2)(A), the Secretary shall make payments to Indian Tribes and Tribal organizations with an application approved under subparagraph (B), and the Tribes and Tribal organizations shall be entitled to such payments for the purpose of carrying out the preschool program described in this section, consistent, to the extent practicable as determined by the Secretary, with the requirements applicable to States.

(B) APPLICATIONS.—An Indian Tribe or Tribal organization seeking a payment under this paragraph shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may specify.

(2) TERRITORIES.—

(A) IN GENERAL.—For each of fiscal years 2022 through 2027, from the amount appropriated for territories under subsection (b)(2)(B), the Secretary shall make payments to the territories with an application approved under subparagraph (B), and the territories shall be entitled to such payments, for the purpose of carrying out the preschool program described in this section, consistent, to the extent practicable as determined by the Secretary, with the requirements applicable to States.

(B) APPLICATIONS.—A territory seeking a payment under this paragraph shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may specify.

(3) LEAD AGENCY.—The head of an Indian tribe or territory desiring for the Indian tribe or a related tribal organization, or territory, to receive a payment under this subsection shall designate a lead agency (such as a tribal or territorial agency or joint interagency office) for the administration of the preschool program of the Indian tribe or territory, under this section.

(f) GRANTS TO LOCALITIES AND HEAD START EXPANSION IN NONPARTICIPATING STATES.—

(1) ELIGIBLE LOCALITY DEFINED.—In this subsection, the term ''eligible locality'' means a city, county, or other unit of general local government, a local educational agency, or a Head Start agency.

(2) GRANTS TO LOCALITIES.—

(A) IN GENERAL.—The Secretary, in consultation with the Secretary of Education, shall use funds reserved in subsection (b)(2)(F) to award local universal preschool grants, in accordance with rules established by the Secretary of Health and Human Services, to eligible localities located in States that have not received payments under subsection (c)(2)(A). The Secretary shall award the grants to eligible localities in a State from the allotment made for that State under subparagraph (B). The Secretary shall specify the requirements for an eligible locality to conduct a preschool program under this subsection which shall, to the greatest extent practicable, be consistent with the requirements applicable to States under this section, for a universal, high-quality, free, and inclusive preschool program.

(B) ALLOTMENTS.—For each State described in subparagraph (A), the Secretary shall allot for the State for a fiscal year an amount that bears the same relationship to the funds appropriated under subsection (b)(2)(F) for the fiscal year as the number of children from families with family incomes at or below 200 percent of the poverty line, and who are under the age of 6, in the State bears to the total number of all such children in all States described in subparagraph (A).

(C) APPLICATION.—To receive a grant from the corresponding State allotment under this subsection, an eligible locality shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The requirements for the application shall, to the greatest extent practicable, be consistent with the State plan requirements applicable to States under this section.

(D) RECOUPMENT OF UNUSED FUNDS.—Notwithstanding any other provision of this section, for each of fiscal years 2023 through 2027, the Secretary shall have the authority to recoup any unused funds allotted under subparagraph (B) for awards under paragraph (3)(A) to Head Start agencies in accordance with paragraph (3).

(3) HEAD START EXPANSION IN NONPARTICIPATING STATES.—

(A) IN GENERAL.—The Secretary shall use funds appropriated under subsection (b)(2)(G) or recouped under paragraph (2) to make awards to Head Start agencies in a State described in paragraph (2)(A) to carry out the purposes of the Head Start Act in such State.

(B) RULE.—For purposes of carrying out the Head Start Act in circumstances not involving awards under this paragraph, funds awarded under subparagraph (A) shall not be included in the calculation of a ''base grant'' as such term is defined in section 640(a)(7)(A) of the Head Start Act (42 U.S.C. 9835(a)(7)(A)).

(C) DEFINITION.—In this paragraph, the term ''Head Start agency'' means an entity designated or eligible to be designated as a Head Start agency under section 641(a)(1) of the Head Start Act or as an Early Head Start agency (by receiving a grant) under section 645A(a) of such Act.

(4) PRIORITY FOR SERVING UNDERSERVED COMMUNITIES.—In making determinations to award a grant or make an award under this subsection, the Secretary shall give priority to entities serving communities with a high percentage of children from families with family incomes at or below 200 percent of the poverty line.

(g) ALLOWABLE SOURCES OF NON-FEDERAL SHARE.—For purposes of calculating the amount of the non-Federal share, as determined under subsection (c)(2)(B)(iii), relating to a payment under subsection (c)(2)(B), a State's non-Federal share—

(1) may be in cash or in kind, fairly evaluated, including facilities or property, equipment, or services;

(2) shall include any increase in amounts spent by the State to expand half-day kindergarten programs in the State, as of the day before the date of enactment of this Act, into full-day kindergarten programs;

(3) shall not include contributions being used as a non-Federal share or match for another Federal award;

(4) shall be provided from State or local sources, contributions from philanthropy or other private organizations, or a combination of such sources and contributions; and

(5) shall count not more than 100 percent of the State's current spending on prekindergarten programs, calculated as the average amount of such spending by the State for fiscal years 2019, 2020, and 2021, toward the State's non-Federal share.

(h) MAINTENANCE OF EFFORT.—

(1) IN GENERAL.—If a State reduces its combined fiscal effort per child for the State preschool program (whether a publicly funded preschool program or a program under this section) or through State supplemental assistance funds for Head Start programs assisted under the Head Start Act, or through any State spending on preschool services for any fiscal year that a State receives payments under subsection (c)(2) (referred to in this paragraph as the ''reduction fiscal year'') relative to the previous fiscal year, the Secretary, in collaboration with the Secretary of Education, shall reduce support for such State under such subsection by the same amount as the total reduction in that State fiscal effort for such reduction fiscal year.

(2) WAIVER.—The Secretary, in collaboration with the Secretary of Education, may waive the requirements of paragraph (1) if—

(A) the Secretaries determine that a waiver would be appropriate due to a precipitous decline in the financial resources of a State as a result of unforeseen economic hardship, or a natural disaster, that has necessitated across-the-board reductions in State services during the 5-year period preceding the date of the determination, including for early childhood education programs; or

(B) due to the circumstance of a State requiring reductions in specific programs, including early childhood education programs, the State presents to the Secretaries a justification and demonstration why other programs could not be reduced and how early childhood education programs in the State will not be disproportionately harmed by such State reductions.

(i) SUPPLEMENT NOT SUPPLANT.—Funds received under this section shall be used to supplement and not supplant other Federal, State, and local public funds expended on prekindergarten programs in the State on the date of enactment of this Act, calculated as the average amount of such Federal, State, and local public funds expended for fiscal years 2019, 2020, and 2021.

(j) NONDISCRIMINATION PROVISIONS.—The following provisions of law shall apply to any program or activity that receives funds provided under this section:

(1) Title IX of the Education Amendments of 1972.

(2) Title VI of the Civil Rights Act of 1964.

(3) Section 504 of the Rehabilitation Act of 1973.

(4) The Americans with Disabilities Act of 1990.

(5) Section 654 of the Head Start Act.

(k) MONITORING AND ENFORCEMENT.—

(1) REVIEW OF COMPLIANCE WITH REQUIREMENTS AND STATE PLAN.—The Secretary shall review and monitor compliance of States, territories, Tribal entities, and local entities with this section and State compliance with the State plan described in subsection (c)(5).

(2) ISSUANCE OF RULE.—The Secretary shall establish by rule procedures for—

(A) receiving, processing, and determining the validity of complaints or findings concerning any failure of a State to comply with the State plan or any other requirement of this section;

(B) notifying a State when the Secretary has determined there has been a failure by the State to comply with a requirement of this section; and

(C) imposing sanctions under this subsection for such a failure.

Subtitle E—Child Nutrition and Related Programs

SEC. 24001. EXPANDING COMMUNITY ELIGIBILITY.

(a) MULTIPLIER AND THRESHOLD ADJUSTED.—

(1) MULTIPLIER.—Clause (vii) of section 11(a)(1)(F) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(F)) is amended to read as follows:

''(vii) MULTIPLIER.—

''(I) IMPLEMENTATION IN 2022–2027.—For each school year beginning on or after July 1, 2022,

and ending before July 1, 2027, the Secretary shall use a multiplier of 2.5.

''(II) IMPLEMENTATION AFTER 2027.—For each school year beginning on or after July 1, 2027, the Secretary shall use a multiplier of 1.6.''.

(2) THRESHOLD.—Clause (viii) of section 11(a)(1)(F) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(F)) is amended to read as follows:

''(viii) THRESHOLD.—

''(I) IMPLEMENTATION IN 2022–2027.—For each school year beginning on or after July 1, 2022, and ending before July 1, 2027, the threshold shall be not more than 25 percent.

''(II) IMPLEMENTATION AFTER 2027.—For each school year beginning on or after July 1, 2027, the threshold shall be not more than 40 percent.''.

(b) STATEWIDE COMMUNITY ELIGIBILITY.—Section 11(a)(1)(F) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(F)) is amended by adding at the end the following:

''(xiv) STATEWIDE COMMUNITY ELIGIBILITY.—For each school year beginning on or after July 1, 2022, and ending before July 1, 2027, the Secretary shall establish a statewide community eligibility program under which, in the case of a State agency that agrees to provide funding from sources other than Federal funds to ensure that local educational agencies in the State receive the free reimbursement rate for 100 percent of the meals served at applicable schools—

''(I) the multiplier described in clause (vii) shall apply;

''(II) notwithstanding clause (viii), the threshold shall be zero; and

''(III) the percentage of enrolled students who were identified students shall be calculated across all applicable schools in the State regardless of local educational agency.''.

SEC. 24002. SUMMER ELECTRONIC BENEFITS TRANSFER FOR CHILDREN PROGRAM.

The Richard B. Russell National School Lunch Act is amended by inserting after section 13 (42 U.S.C. 1761) the following:

''SEC. 13A. SUMMER ELECTRONIC BENEFITS TRANSFER FOR CHILDREN PROGRAM.

''(a) PROGRAM ESTABLISHED.—The Secretary shall establish a program under which States and covered Indian Tribal organizations participating in such program shall, for summer 2023 and summer 2024 issue to eligible households summer EBT benefits—

''(1) in accordance with this section; and

''(2) for the purpose of providing nutrition assistance through electronic benefits transfer during the summer months for eligible children, to ensure continued access to food when school is not in session for the summer.

''(b) SUMMER EBT BENEFITS REQUIREMENTS.—

''(1) PURCHASE OPTIONS.—

''(A) BENEFITS ISSUED BY STATES.—

''(i) WIC PARTICIPATION STATES.—In the case of a State that participated in a demonstration program under section 749(g) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111–80; 123 Stat. 2132) during calendar year 2018 using a WIC model, summer EBT benefits issued pursuant to subsection (a) by such a State may only be used by the eligible household that receives such summer EBT benefits to purchase—

''(I) supplemental foods from retailers that have been approved for participation in—

''(aa) the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); or

''(bb) the program under this section; or

''(II) food (as defined in section 3(k) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(k))) from retail food stores that have been approved for participation in the supplemental nutrition assistance program established under such Act, in accordance with section 9 of such Act (7 U.S.C. 2018).

''(ii) OTHER STATES.—Summer EBT benefits issued pursuant to subsection (a) by a State not described in clause (i) may only be used by the eligible household that receives such summer EBT benefits to purchase food (as defined in section 3(k) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(k))) from retail food stores that have been approved for participation in the supplemental nutrition assistance program established under such Act, in accordance with section 9(b) of such Act (7 U.S.C. 2018) or retail food stores that have been approved for participation in a Department of Agriculture grant funded nutrition assistance program in the Commonwealth of the Northern Mariana Islands, Puerto Rico, or American Samoa.

''(B) BENEFITS ISSUED BY COVERED INDIAN TRIBAL ORGANIZATIONS.—Summer EBT benefits issued pursuant to subsection (a) by a covered Indian Tribal organization may only be used by the eligible household that receives such summer EBT benefits to purchase supplemental foods from retailers that have been approved for participation in—

''(i) the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); or

''(ii) the program under this section.

''(2) AMOUNT.—Summer EBT benefits issued pursuant to subsection (a)—

''(A) shall be—

''(i) for calendar year 2023, in an amount equal to $65 for each child in the eligible household per month during the summer; and

''(ii) for calendar year 2024, in an amount equal to the amount described in clause (i), adjusted to the nearest lower dollar increment to reflect changes to the cost of the thrifty food plan (as defined in section 3(u) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(u)) for the 12-month period ending on November 30 of the preceding calendar year; and

''(B) may be issued—

''(i) in the form of an EBT card; or

''(ii) through electronic delivery.

''(c) ENROLLMENT IN PROGRAM.—

''(1) STATE REQUIREMENTS.—States participating in the program under this section shall—

''(A) with respect to a summer, automatically enroll eligible children in the program under this section without further application; and

''(B) require local educational agencies to allow eligible households to opt out of participation in the program under this section and establish procedures for opting out of such participation.

''(2) COVERED INDIAN TRIBAL ORGANIZATION REQUIREMENTS.—Covered Indian Tribal organizations participating in the program under this section shall, to the maximum extent practicable, meet the requirements under subparagraphs (A) through (C) of paragraph (1).

''(d) IMPLEMENTATION GRANTS.—On and after January 1, 2022, the Secretary shall carry out a program to make grants to States and covered Indian Tribal organizations to build capacity for implementing the program under this section.

''(e) ALTERNATE PLANS IN THE CASE OF CONTINUOUS SCHOOL CALENDAR.—The Secretary shall establish an alternative method for determining the schedule and number of days during which summer EBT benefits may be issued pursuant to subsection (a) in the case of children who are under a continuous school calendar.

''(f) FUNDING.—

''(1) PROGRAM FUNDING.—In addition to amounts otherwise available, there is appropriated for each of fiscal years 2022 through 2024, out of any money in the Treasury not otherwise appropriated, such sums, to remain available for the 2-year period following the date such amounts are made available, as may be necessary to carry out this section, including for administrative expenses incurred by the Secretary, States, covered Indian Tribal organizations, and local educational agencies.

''(2) IMPLEMENTATION GRANT FUNDING.—In addition to amounts otherwise available, including under paragraph (1), there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until expended, to carry out subsection (d).

''(g) SUNSET.—The authority under this section shall terminate on September 30, 2024.

''(h) DEFINITIONS.—In this section:

''(1) COVERED INDIAN TRIBAL ORGANIZATION.—The term 'covered Indian Tribal organization' means an Indian Tribal organization that participates in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

''(2) ELIGIBLE CHILD.—The term 'eligible child' means, with respect to a summer, a child who was, during the school year immediately preceding such summer—

''(A) certified to receive free or reduced price lunch under the school lunch program under this Act;

''(B) certified to receive free or reduced price breakfast under the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); or

''(C) enrolled in a school described in subparagraph (B), (C), (D), (E), or (F) of section 11(a)(1).

''(3) ELIGIBLE HOUSEHOLD.—The term 'eligible household' means a household that includes at least 1 eligible child.''.

SEC. 24003. HEALTHY FOOD INCENTIVES DEMONSTRATION.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until expended, to provide—

(1) technical assistance and evaluation with respect to the activities described in subparagraphs (A) through (D) of paragraph (2); and

(2) grants and monetary incentives to carry out 1 or more of the following:

(A) Improving the nutritional quality of meals and snacks served under a child nutrition program.

(B) Enhancing the nutrition and wellness environment of institutions participating in a child nutrition program, including by reducing the availability of less healthy foods during the school day.

(C) Increasing the procurement of fresh, local, regional, and culturally appropriate foods and foods produced by underserved or limited resource farmers, as defined by the Secretary of Agriculture, to be served as part of a child nutrition program.

(D) Funding a statewide nutrition education coordinator—

(i) to support individual school food authority nutrition education efforts; and

(ii) to facilitate collaboration with other nutrition education efforts in the State.

(b) STATE DEFINED.—In this section, the term ''State'' has the meaning given the term in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)).

SEC. 24004. SCHOOL KITCHEN EQUIPMENT GRANTS.

In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $30,000,000, to remain available until expended through fiscal year 2030, for training and technical assistance to support scratch cooking and to award grants to States (as defined in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d))) to make competitive subgrants to local educational agencies and schools to purchase equipment with a value of

greater than $1,000 that, with respect to the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751–1769j) and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), is necessary to serve healthier meals, improve food safety, and increase scratch cooking.

Subtitle F—Human Services and Community Supports

SEC. 25001. ASSISTIVE TECHNOLOGY.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until expended, for necessary expenses to carry out the Assistive Technology Act of 1998 (29 U.S.C. 3003(a)).

SEC. 25002. FAMILY VIOLENCE PREVENTION AND SERVICES FUNDING.

In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $30,000,000, to remain available until expended, for necessary administrative expenses to carry out subsections (c) and (d) of section 2204 of the American Rescue Plan Act of 2021 (Public Law 117–2).

SEC. 25003. PREGNANCY ASSISTANCE FUND.

Section 10214 of the Patient Protection and Affordable Care Act (42 U.S.C. 18204) is amended by adding at the end the following new sentence:

''In addition, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

''(1) $25,000,000, to remain available until expended, to carry out this part in fiscal year 2022;

''(2) $25,000,000, to remain available until expended, to carry out this part in fiscal year 2023; and

''(3) $25,000,000, to remain available until expended, to carry out this part in fiscal year 2024.''.

SEC. 25004. FUNDING FOR THE AGING NETWORK AND INFRASTRUCTURE.

(a) APPROPRIATION.—In addition to amounts otherwise available, there are appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Department of Health and Human Services—

(1) $75,000,000 for the Research, Demonstration, and Evaluation Center for the Aging Network for necessary expenses to carry out the activities of the Center under section 201(g) of the Older Americans Act of 1965 (OAA);

(2) $655,000,000 for necessary expenses to carry out part B of title III of the OAA, including for—

(A) supportive services of the type made available for fiscal year 2021 and authorized under such part;

(B) investing in the aging services network for the purposes of improving the availability of supportive services, including investing in the aging services network workforce;

(C) the acquisition, alteration, or renovation of facilities, including multipurpose senior centers and mobile units; and

(D) construction or modernization of facilities to serve as multipurpose senior centers;

(3) $140,000,000 for necessary expenses to carry out part C of title III of the OAA, including to support the modernization of infrastructure and technology, including kitchen equipment and delivery vehicles, to support the provision of congregate nutrition services and home delivered nutrition services under such part;

(4) $150,000,000 for necessary expenses to carry out part E of title III of the OAA, including section 373(e) of such part;

(5) $50,000,000 for necessary expenses to carry out title VI of the OAA, including part C of such title;

(6) $50,000,000 for necessary expenses to carry out the long-term care ombudsman program under title VII of the OAA;

(7) $59,000,000 for necessary expenses for technical assistance centers or national resource centers supported under the OAA, including all such centers that received funding under title IV of the OAA for fiscal year 2021, in order to support technical assistance and resource development related to culturally appropriate care management and services for older individuals with the greatest social need, including racial and ethnic minority individuals;

(8) $15,000,000 for necessary expenses for technical assistance centers or national resource centers supported under the OAA that are focused on providing services for older individuals who are underserved due to their sexual orientation or gender identity;

(9) $1,000,000 for necessary expenses for efforts of national training and technical assistance centers supported under the OAA to—

(A) support expanding the reach of the aging services network to more effectively assist older individuals in remaining socially engaged and active;

(B) provide additional support in technical assistance and training to the aging services network to address the social isolation of older individuals;

(C) promote best practices and identify innovation in the field; and

(D) continue to support a repository for innovations designed to increase the ability of the aging services network to tailor social engagement activities to meet the needs of older individuals; and

(10) $5,000,000 for necessary expenses to carry out section 417 of the OAA.

Amounts appropriated by this subsection shall remain available until expended.

(b) NONAPPLICABILITY OF CERTAIN REQUIREMENTS.—The non-Federal contribution requirements under sections 304(d)(1)(D) and 431(a) of the Older Americans Act of 1965, and section 373(h)(2) of such Act, shall not apply to—

(1) any amounts made available under this section; or

(2) any amounts made available under section 2921 of the American Rescue Plan Act of 2021 (Public Law 117–2).

SEC. 25005. TECHNICAL ASSISTANCE CENTER FOR SUPPORTING DIRECT CARE AND CAREGIVING.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services, acting through the Administrator for the Administration for Community Living, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2031, for necessary expenses to establish, directly or through grants, contracts, or cooperative agreements, a national technical assistance center (referred to in this section as the ''Center'') to—

(1) provide technical assistance for supporting direct care workforce recruitment, education and training, retention, career advancement, and for supporting family caregivers and caregiving activities;

(2) develop and disseminate a set of replicable models or evidence-based or evidence-informed strategies or best practices for—

(A) recruitment, education and training, retention, and career advancement of direct support workers;

(B) reducing barriers to accessing direct care services; and

(C) increasing access to alternatives to direct care services, including assistive technology, that reduce reliance on such services;

(3) provide recommendations for education and training curricula for direct support workers; and

(4) provide recommendations for activities to further support paid and unpaid family caregivers, including expanding respite care.

(b) DIRECT SUPPORT WORKER DEFINED.—The term ''direct support worker'' has the meaning given such term in section 22301.

SEC. 25006. FUNDING TO SUPPORT UNPAID CAREGIVERS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $40,000,000, to remain available until expended, for carrying out the purpose described in subsection (b).

(b) USE OF FUNDING.—The Secretary, acting through the Assistant Secretary for Aging, shall use amounts appropriated by subsection (a) for necessary expenses to make awards, pursuant to section 373(i) of the Older Americans Act of 1965 (42 U.S.C. 3030s–1(i)), to States, public agencies, private nonprofit agencies, institutions of higher education, and organizations, including Tribal organizations, for initiatives to address the behavioral health needs of family caregivers and older relative caregivers.

(c) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated by this section shall be used to supplement and not supplant other Federal, State, or local public funds to support unpaid caregivers.

SEC. 25007. FUNDING TO SUPPORT INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services (referred to in this section as the ''Secretary''), for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until expended, for carrying out the purpose described in subsection (b).

(b) USE OF FUNDING.—The Secretary, acting through the Administrator of the Administration for Community Living, shall use amounts appropriated by subsection (a) for necessary expenses to award grants, contracts, or cooperative agreements to public or private nonprofit entities pursuant to section 162 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15082) for initiatives to address the behavioral health needs of individuals with intellectual and developmental disabilities.

(c) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated by this section shall be used to supplement and not supplant other Federal, State, or local public funds to support individuals with intellectual and developmental disabilities.

SEC. 25008. OFFICE OF THE INSPECTOR GENERAL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until expended, for the Office of Inspector General of the Department of Health and Human Services, for salaries and expenses necessary for oversight, investigations, and audits of programs, grants, and projects funded under subtitles D and F of this title.

Subtitle G—National Service and Workforce Development in Support of Climate Resilience and Mitigation

SEC. 26001. CORPORATION FOR NATIONAL AND COMMUNITY SERVICE AND THE NATIONAL SERVICE TRUST.

(a) AMERICORPS STATE AND NATIONAL.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $3,200,000,000, to remain available until September 30, 2026, which shall be used to make funding adjustments to existing (as of the date of enactment of this Act) awards and make new awards to entities (whether or not such entities are already recipients of a grant or other agreement on the date of enactment of this Act) to support national service programs described in paragraphs

(1)(A), (2)(A), (3)(A), and (5)(A) of subsection (a), and subsection (b)(2), of section 122 of the National and Community Service Act of 1990 and national service programs carrying out activities described in clauses (i), (ii), (iii), (v), (vi), and (vii) of paragraph (4)(B) of subsection (a) of such section, to increase living allowances and improve benefits of participants in such programs.

(2) REQUIREMENTS.—For the purposes of carrying out paragraph (1)—

(A) the Corporation shall waive the requirements described in section 121(e)(1) of the National and Community Service Act of 1990, in whole or in part, if a recipient of a grant or other agreement for such a national service program demonstrates—

(i) the recipient will serve underserved or low-income communities, and a significant percentage of participants in such program are low-income individuals; and

(ii) without such waiver, the recipient cannot meet the requirements of this section;

(B) section 189(a) of such Act shall be applied by substituting ''125 percent of the amount of the minimum living allowance of a full-time participant per full-time equivalent position'' for ''$18,000 per full-time equivalent position''; and

(C) section 140(a)(1) of such Act shall be applied by substituting ''200 percent of the poverty line'' for ''the average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955)''.

(b) STATE COMMISSIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $400,000,000, to remain available until September 30, 2026, which shall be used to make funding adjustments to existing (as of the date of enactment of this Act) awards and make new awards to States to establish or operate State Commissions on National and Community Service.

(2) MATCH WAIVER.—For the purposes of carrying out paragraph (1), the Corporation shall waive the matching requirement described in section 126(a)(2) of the National and Community Service Act of 1990, in whole or in part, for a State Commission, if such State Commission demonstrates need for such waiver.

(c) NATIONAL CIVILIAN COMMUNITY CORPS.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $80,000,000, to remain available until September 30, 2029, which shall be used to increase the living allowance and benefits of participants in the National Civilian Community Corps authorized under section 152 of the National and Community Service Act of 1990.

(d) AMERICORPS VISTA.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $600,000,000 to remain available until September 30, 2029, which shall be used to increase the subsistence allowances and improve benefits of participants in the Volunteers in Service to America program authorized under section 102 of the Domestic Volunteer Service Act of 1973.

(2) REQUIREMENT.—For purposes of carrying out paragraph (1)—

(A) section 105(b)(2)(A) of the Domestic Volunteer Service Act of 1973 shall be applied by substituting ''200 percent'' for ''95 percent''; and

(B) section 105(b)(2)(B) of the Domestic Volunteer Service Act of 1973 shall be applied by substituting ''210 percent'' for ''105 percent''.

(e) NATIONAL SERVICE IN SUPPORT OF CLIMATE RESILIENCE AND MITIGATION.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $6,915,000,000, which shall be used for the purposes specified in paragraph (3).

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under paragraph (1) shall—

(A) be available until September 30, 2026, for national service programs described in paragraphs (1)(A), (2)(A), (3)(A), and (5)(A) of subsection (a), and subsection (b)(2), of section 122 of the National and Community Service Act of 1990 and national service programs carrying out activities described in clauses (i), (ii), (iii), (v), (vi), and (vii) of paragraph (4)(B) of subsection (a) of such section; and

(B) be available until September 30, 2029, for National Civilian Community Corps programs authorized under section 152 of the National and Community Service Act of 1990 and Volunteers in Service to America programs authorized under section 102 of the Domestic Volunteer Service Act of 1973.

(3) USE OF FUNDS.—

(A) IN GENERAL.—The Corporation shall use amounts appropriated under paragraph (1) to fund programs described in subparagraph (B) to carry out projects or activities described in section 122(a)(3)(B) of the National and Community Service Act of 1990.

(B) PROGRAMS.—The programs described in subparagraph (A) shall include—

(i) national service programs described in paragraphs (1)(A), (2)(A), (3)(A), and (5)(A) of subsection (a), and subsection (b)(2), of section 122 of the National and Community Service Act of 1990 and national service programs carrying out activities described in clauses (i), (ii), (iii), (v), (vi), and (vii) of paragraph (4)(B) of subsection (a) of such section;

(ii) National Civilian Community Corps programs authorized under section 152 of the National and Community Service Act of 1990; and

(iii) Volunteers in Service to America programs authorized under section 102 of the Domestic Volunteer Service Act of 1973.

(C) TERMS.—In funding programs described in subparagraph (A), the Corporation shall ensure—

(i) awards are made to entities that serve, and have representation from, low-income communities or communities experiencing (or at risk of experiencing) adverse health and environmental conditions;

(ii) such programs utilize culturally competent and multilingual strategies;

(iii) projects carried out through such programs are planned with community input, and implemented by diverse participants who are from communities being served by such programs; and

(iv) such programs provide participants with workforce development opportunities, such as pre-apprenticeships that articulate to registered apprenticeship programs, and pathways to post-service employment in high-quality jobs, including registered apprenticeships.

(4) REQUIREMENTS.—For the purposes of carrying out paragraph (1)—

(A) in implementing national service programs described in paragraph (3)(B)(i) and funded by the appropriations specified in paragraph (1)—

(i) the Corporation shall waive the requirements described in section 121(e)(1) of the National and Community Service Act of 1990, in whole or in part, if a recipient of a grant or other agreement for the national service program involved demonstrates—

(I) the recipient will serve underserved or low-income communities, and a significant percentage of participants in such program are low-income individuals; and

(II) without such waiver, the recipient cannot meet the requirements of this section;

(ii) section 189(a) of the National and Community Service Act of 1990 shall be applied by substituting ''125 percent of the amount of the minimum living allowance of a full-time participant per full-time equivalent position'' for ''$18,000 per full-time equivalent position'';

(iii) section 140(a)(1) of the National and Community Service Act of 1990 shall be applied by substituting ''200 percent of the poverty line'' for ''the average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955)''; and

(iv) the Corporation shall waive the matching requirement described in section 126(a)(2) of the National and Community Service Act of 1990, in whole or in part, for a State Commission, if such State Commission demonstrates need for such waiver; and

(B) in implementing national service programs described in paragraph (3)(B)(iii) and funded by the appropriations specified in paragraph (1)—

(i) section 105(b)(2)(A) of the Domestic Volunteer Service Act of 1973 shall be applied by substituting ''200 percent'' for ''95 percent''; and

(ii) section 105(b)(2)(B) of the Domestic Volunteer Service Act of 1973 shall be applied by substituting ''210 percent'' for ''105 percent''.

(f) ADMINISTRATIVE COSTS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $1,010,400,000, to remain available until September 30, 2029, which shall be used for Federal administrative expenses to carry out programs and activities funded under this section, including—

(A) corrective actions to address recommendations arising from audits of the financial statements of the Corporation and the National Service Trust, and, in consultation with the Inspector General of the Corporation, the development of fraud prevention and detection controls and risk-based anti-fraud monitoring for grants and other financial assistance funded under this section; and

(B) coordination of efforts and activities with the Departments of Labor and Education to support the national service programs funded under subsections (a), (c), (d), and (e) in improving the readiness of participants to transition to high-quality jobs or further education.

(2) FISCAL YEAR 2030 PROGRAM ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2030, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $79,800,000, to remain available until September 30, 2030, which shall be used, in fiscal year 2030, for Federal administrative expenses to carry out programs and activities funded under this section.

(3) PLAN.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation, $300,000, to remain available until September 30, 2023, which shall be used by the Chief Executive Officer of the Corporation to—

(A) develop, publish, and implement, not later than 180 days after the date of enactment of this Act, a project, operations, and management plan for funds appropriated under this section; and

(B) consult with the Secretary of Labor and the Inspector General of the Corporation in developing the plan under subparagraph (A).

(4) OUTREACH.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $49,500,000, to remain available until September 30, 2030, for outreach to and recruitment of members from communities traditionally underrepresented in national service programs and members of a community experiencing a significant dislocation of workers, including energy transition communities.

(g) OFFICE OF INSPECTOR GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money

in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $75,000,000, to remain available until September 30, 2030, which shall be used for the Office of Inspector General of the Corporation for salaries and expenses necessary for oversight and audit of programs and activities funded under this section.

(h) NATIONAL SERVICE TRUST.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the National Service Trust, $1,150,000,000, to remain available until September 30, 2030, for—

(A) administration of the National Service Trust; and

(B) payment to the Trust for the provision of national service educational awards and interest expenses—

(i) for participants, for a term of service supported by funds made available under subsection (e); and

(ii) pursuant to section 145(a)(1)(A) of the National and Community Service Act of 1990.

(2) SUPPLEMENTAL EDUCATIONAL AWARDS.—

(A) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the National Service Trust, $1,660,000,000, to remain available until September 30, 2030, for payment to the National Service Trust for the purpose of providing a supplemental national service educational award to an individual eligible to receive a national service educational award pursuant to section 146(a), and the individual's transferee pursuant to section 148(f), of the National and Community Service Act of 1990, for a term of service that began after the date of enactment of this Act in a national service program (including a term of service supported by funds made available under subsection (e)).

(B) AWARD AVAILABILITY.—The supplemental educational award referred to in subparagraph (A) shall be available to an individual or their transferee described in subparagraph (A) in accordance with the paragraph (3).

(C) CALCULATION.—The amount of the supplemental educational award that shall be available to an individual or their transferee described in subparagraph (A) shall be calculated as follows:

(i) AMOUNT FOR FULL-TIME NATIONAL SERVICE.—For an individual who completes a required term of full-time national service, or the individual's transferee—

(I) in a case in which the award year for which the national service position is approved by the Corporation is award year 2022-2023, 50 percent of the maximum amount of a Federal Pell Grant under section 401 of the Higher Education Act of 1965 that a student eligible for such Grant may receive in the aggregate for such award year; and

(II) in a case in which the award year for which the national service position is approved by the Corporation is award year 2023-2024 or a subsequent award year, 50 percent of the total maximum Federal Pell Grant under section 401 of the Higher Education Act of 1965 that a student eligible for such Grant may receive in the aggregate for such award year.

(ii) AMOUNT FOR PART-TIME NATIONAL SERVICE.—For an individual who completes a required term of part-time national service, or the individual's transferee, 50 percent of the amount determined under clause (i).

(iii) AMOUNT FOR PARTIAL COMPLETION OF NATIONAL SERVICE.—For an individual released from completing the full-time or part-time term of service agreed to by the individuals, or the individual's transferee, the portion of the amount determined under clause (i) that corresponds to the portion of the term of service completed by the individual.

(3) PERIOD OF AVAILABILITY FOR NATIONAL SERVICE EDUCATIONAL AWARDS.—

(A) IN GENERAL.—Notwithstanding section 146(d) of the National and Community Service Act of 1990, relating to a period of time for use of a national service educational award, or any extensions to such time period granted under section 146(d)(2) of such Act, an individual eligible to receive a national service educational award for a term of service supported by funds made available under subsection (e), or the individual's transferee, and an individual eligible to receive a supplemental educational award described in paragraph (2) for a term of service, or the individual's transferee, shall not use, after September 30, 2030, the national service educational award or supplemental educational award for the term of service involved, and the national service educational award and supplemental educational award shall be available for the lengths of time described in subparagraph (B).

(B) LENGTHS OF TIME.—The lengths of time described in this subparagraph are as follows:

(i) For an individual who completes the term of service involved by September 30, 2023 or the individual's transferee, until the end of the 7-year period beginning on that date.

(ii) For an individual who completes such term of service by September 30, 2024 or the individual's transferee, until the end of the 6-year period beginning on that date.

(iii) For an individual who completes such term of service by September 30, 2025 or the individual's transferee, until the end of the 5-year period beginning on that date.

(iv) For an individual who completes such term of service by September 30, 2026 or the individual's transferee, until the end of the 4-year period beginning on that date.

(v) For an individual who completes such term of service by September 30, 2027 or the individual's transferee, until the end of the 3-year period beginning on that date.

(vi) For an individual who completes such term of service by September 30, 2028 or the individual's transferee, until the end of the 2-year period beginning on that date.

(vii) For an individual who completes such term of service by September 30, 2029 or the individual's transferee, until the end of the 1-year period beginning on that date.

(i) LIMITATION.—The funds made available under this section are subject to the condition that the Corporation shall not—

(1) use such funds to make any transfer to the National Service Trust for any use, or enter into any agreement involving such funds—

(A) that is for a term extending beyond September 30, 2031; or

(B) for which or under which any payment could be outlaid after September 30, 2031; and

(2) use any other funds available to the Corporation to liquidate obligations made under this section.

(j) DEFINITION.—For purposes of this section, the term ''registered apprenticeship program'' means an apprenticeship program registered with the Office of Apprenticeship of the Employment and Training Administration of the Department of Labor, or a State apprenticeship agency recognized by the Office of Apprenticeship, pursuant to the Act of August 16, 1937 (commonly known as the ''National Apprenticeship Act''; 50 Stat. 664, chapter 663).

SEC. 26002. WORKFORCE DEVELOPMENT IN SUPPORT OF CLIMATE RESILIENCE AND MITIGATION.

(a) YOUTHBUILD.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $450,000,000, to remain available until September 30, 2026, to support activities aligned with high-quality employment opportunities in industry sectors or occupations related to climate resilience or mitigation and aligned with the activities described in subsection (e)(3) of section 26001 by—

(1) carrying out activities described in section 171(c)(2) of the Workforce Innovation and Opportunity Act; and

(2) improving and expanding access to services, stipends, wages, and benefits described in subparagraphs (A)(vii) and (F) of section 171(c)(2) of such Act.

(b) JOB CORPS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $450,000,000, to remain available until September 30, 2026, to support activities aligned with high-quality employment opportunities in industry sectors or occupations related to climate resilience or mitigation and aligned with the activities described in subsection (e)(3) of section 26001 by—

(A) providing funds to operators and service providers to—

(i) carry out the activities and services described in sections 148 and 149 of the Workforce Innovation and Opportunity Act; and

(ii) improve and expand access to allowances and services described in section 150 of such Act; and

(B) notwithstanding section 158(c) of such Act, constructing, rehabilitating, and acquiring Job Corps centers to support activities described in subparagraph (A).

(2) ELIGIBILITY.—For the purposes of carrying out paragraph (1), an entity in a State or outlying area may be eligible to be selected as an operator or service provider.

(c) PRE-APPRENTICESHIP, AND REGISTERED APPRENTICESHIP PROGRAMS.—

(1) PRE-APPRENTICESHIP PROGRAMS.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2026, to carry out activities through grants, cooperative agreements, contracts, or other arrangements, to create or expand pre-apprenticeship programs that articulate to registered apprenticeship programs, are aligned with high-quality employment opportunities in industry sectors or occupations related to climate resilience or mitigation, and are aligned with the activities described in subsection (e)(3) of section 26001.

(2) PRE-APPRENTICESHIP PARTNERSHIPS.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2026, to support partnerships between entities carrying out pre-apprenticeship programs that articulate to registered apprenticeship programs and entities funded under subsection (e) of section 26001 to ensure past and current participants in programs funded under subsection (e)(1) of section 26001 have access to such pre-apprenticeship programs.

(3) REGISTERED APPRENTICESHIP PROGRAMS.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $450,000,000, to remain available until September 30, 2026, to carry out activities through grants, cooperative agreements, contracts, or other arrangements, to create or expand registered apprenticeship programs in climate-related nontraditional apprenticeship occupations.

(4) PARTICIPANTS WITH BARRIERS TO EMPLOYMENT AND NONTRADITIONAL APPRENTICESHIP POPULATIONS.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $350,000,000, to remain available until September 30, 2026, for entities to carry out pre-apprenticeship programs described in paragraph (1), and registered apprenticeship program described in paragraph (3), serving a high

number or high percentage of individuals with barriers to employment, including individuals with disabilities, or nontraditional apprenticeship populations.

(d) REENTRY EMPLOYMENT OPPORTUNITIES PROGRAM.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2026, for the Reentry Employment Opportunities program, which amount shall be used to support activities aligned with high-quality employment opportunities in industry sectors or occupations related to climate resilience or mitigation and aligned with the activities described in subsection (e)(3) of section 26001.

(e) PAID YOUTH EMPLOYMENT OPPORTUNITIES.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Department of Labor, $350,000,000, to remain available until September 30, 2026, to carry out activities through grants, contracts, or cooperative agreements, for the purposes of providing in-school youth and out-of-school youth with paid work experiences authorized under section 129(c)(2)(C) of the Workforce Innovation and Opportunity Act, notwithstanding section 194(10) of such Act, that are—

(1) carried out by public agencies or private nonprofit entities, including community-based organizations;

(2) provided in conjunction with supportive services and other elements described in section 129(c)(2) of such Act;

(3) aligned with the activities described in subsection (e)(3) of section 26001; and

(4) designed to prepare participants for—

(A) high-quality, unsubsidized employment opportunities in industry sectors or occupations related to climate resilience or mitigation;

(B) enrollment in an institution of higher education (as defined in section 101 or 102(c) of the Higher Education Act of 1965); and

(C) registered apprenticeship programs.

(f) DEPARTMENT OF LABOR INSPECTOR GENERAL.—In addition to amounts otherwise available, there is appropriated to the Office of Inspector General of the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until expended, for salaries and expenses necessary for oversight, investigations, and audits of programs, grants, and projects of the Department of Labor funded under this section.

(g) ADMINISTRATION.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $69,800,000, to remain available until September 30, 2029, for program administration within the Department of Labor for salaries and expenses necessary to implement this section.

(2) PLAN.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Department of Labor, $200,000, to remain available until September 30, 2023, which shall be used by the Secretary to—

(A) develop, publish, and implement, not later than 180 days after the date of enactment of this Act, a project, operations, and management plan for funds appropriated under this section; and

(B) consult with the Chief Executive Officer of the Corporation for National and Community Service in developing the plan under subparagraph (A).

(h) DEFINITION.—For purposes of this section:

(1) CLIMATE-RELATED NONTRADITIONAL APPRENTICESHIP OCCUPATION.—The term ''climate-related nontraditional apprenticeship occupation'' means an apprenticeable occupation—

(A) that aligns with the activities described in subsection (e)(3) of section 26001;

(B) in an industry sector that trains less than 10 percent of all civilian registered apprentices as of the date of the enactment of this Act; and

(C) that is related to climate resilience or mitigation.

(2) REGISTERED APPRENTICESHIP PROGRAM.—The term ''registered apprenticeship program'' means an apprenticeship program registered with the Office of Apprenticeship of the Employment and Training Administration of the Department of Labor, or a State apprenticeship agency recognized by the Office of Apprenticeship, pursuant to the Act of August 16, 1937 (commonly known as the ''National Apprenticeship Act''; 50 Stat. 664, chapter 663).

(3) WIOA DEFINITIONS.—The terms ''community-based organization'', ''individual with a barrier to employment'', ''in-school youth'', ''outlying area'', and ''out-of-school youth'' have the meanings given such terms in paragraphs (10), (24), (27), (45), and (46), respectively, of section 3 of the Workforce Innovation and Opportunity Act.

Subtitle H—Prescription Drug Coverage Provisions

SEC. 27001. REQUIREMENTS WITH RESPECT TO COST-SHARING FOR CERTAIN INSULIN PRODUCTS.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

''SEC. 726. REQUIREMENTS WITH RESPECT TO COST-SHARING FOR CERTAIN INSULIN PRODUCTS.

''(a) IN GENERAL.—For plan years beginning on or after January 1, 2023, a group health plan or health insurance issuer offering group health insurance coverage shall provide coverage of selected insulin products, and with respect to such products, shall not—

''(1) apply any deductible; or

''(2) impose any cost-sharing in excess of the lesser of, per 30-day supply—

''(A) $35; or

''(B) the amount equal to 25 percent of the negotiated price of the selected insulin product net of all price concessions received by or on behalf of the plan or coverage, including price concessions received by or on behalf of third-party entities providing services to the plan or coverage, such as pharmacy benefit management services.

''(b) DEFINITIONS.—In this section:

''(1) SELECTED INSULIN PRODUCTS.—The term 'selected insulin products' means at least one of each dosage form (such as vial, pump, or inhaler dosage forms) of each different type (such as rapid-acting, short-acting, intermediate-acting, long-acting, ultra long-acting, and premixed) of insulin (as defined below), when available, as selected by the group health plan or health insurance issuer.

''(2) INSULIN DEFINED.—The term 'insulin' means insulin that is licensed under subsection (a) or (k) of section 351 of the Public Health Service Act (42 U.S.C. 262) and continues to be marketed under such section, including any insulin product that has been deemed to be licensed under section 351(a) of such Act pursuant to section 7002(e)(4) of the Biologics Price Competition and Innovation Act of 2009 (Public Law 111–148) and continues to be marketed pursuant to such licensure.

''(c) OUT-OF-NETWORK PROVIDERS.—Nothing in this section requires a plan or issuer that has a network of providers to provide benefits for selected insulin products described in this section that are delivered by an out-of-network provider, or precludes a plan or issuer that has a network of providers from imposing higher cost-sharing than the levels specified in subsection (a) for selected insulin products described in this section that are delivered by an out-of-network provider.

''(d) RULE OF CONSTRUCTION.—Subsection (a) shall not be construed to require coverage of, or prevent a group health plan or health insurance coverage from imposing cost-sharing other than the levels specified in subsection (a) on, insulin products that are not selected insulin products, to the extent that such coverage is not otherwise required and such cost-sharing is otherwise permitted under Federal and applicable State law.

''(e) APPLICATION OF COST-SHARING TOWARDS DEDUCTIBLES AND OUT-OF-POCKET MAXIMUMS.—Any cost-sharing payments made pursuant to subsection (a)(2) shall be counted toward any deductible or out-of-pocket maximum that applies under the plan or coverage.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) is amended by inserting after the item relating to section 725 the following:

''Sec. 726. Requirements with respect to cost-sharing for certain insulin products.''.

SEC. 27002. OVERSIGHT OF PHARMACY BENEFIT MANAGER SERVICES.

(a) IN GENERAL.—Subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021 et seq.) is amended—

(1) in subpart B of part 7 (29 U.S.C. 1185 et seq.), by adding at the end the following:

''SEC. 727. OVERSIGHT OF PHARMACY BENEFIT MANAGER SERVICES.

''(a) IN GENERAL.—For plan years beginning on or after January 1, 2023, a group health plan (or health insurance issuer offering group health insurance coverage in connection with such a plan) or an entity or subsidiary providing pharmacy benefits management services on behalf of such a plan or issuer shall not enter into a contract with a drug manufacturer, distributor, wholesaler, subcontractor, rebate aggregator, or any associated third party that limits the disclosure of information to plan sponsors in such a manner that prevents the plan or issuer, or an entity or subsidiary providing pharmacy benefits management services on behalf of a plan or issuer, from making the reports described in subsection (b).

''(b) REPORTS.—

''(1) IN GENERAL.—For plan years beginning on or after January 1, 2023, not less frequently than once every 6 months, a health insurance issuer offering group health insurance coverage or an entity providing pharmacy benefits management services on behalf of a group health plan or an issuer providing group health insurance coverage shall submit to the plan sponsor (as defined in section 3(16)(B)) of such group health plan or group health insurance coverage a report in accordance with this subsection and make such report available to the plan sponsor in a machine-readable format. Each such report shall include, with respect to the applicable group health plan or health insurance coverage—

''(A) as applicable, information collected from drug manufacturers by such issuer or entity on the total amount of copayment assistance dollars paid, or copayment cards applied, that were funded by the drug manufacturer with respect to the participants and beneficiaries in such plan or coverage;

''(B) a list of each drug covered by such plan, issuer, or entity providing pharmacy benefit management services that was dispensed during the reporting period, including, with respect to each such drug during the reporting period—

''(i) the brand name, chemical entity, and National Drug Code;

''(ii) the number of participants and beneficiaries for whom the drug was filled during the plan year, the total number of prescription fills for the drug (including original prescriptions and refills), and the total number of dosage units of the drug dispensed across the plan year, including whether the dispensing channel was by retail, mail order, or specialty pharmacy;

''(iii) the wholesale acquisition cost, listed as cost per days supply and cost per pill, or in the case of a drug in another form, per dose;

''(iv) the total out-of-pocket spending by participants and beneficiaries on such drug, including participant and beneficiary spending through copayments, coinsurance, and deductibles; and

''(v) for any drug for which gross spending of the group health plan or health insurance coverage exceeded $10,000 during the reporting period—

''(I) a list of all other drugs in the same therapeutic category or class, including brand name drugs and biological products and generic drugs or biosimilar biological products that are in the same therapeutic category or class as such drug; and

''(II) the rationale for preferred formulary placement of such drug in that therapeutic category or class;

''(C) a list of each therapeutic category or class of drugs that were dispensed under the health plan or health insurance coverage during the reporting period, and, with respect to each such therapeutic category or class of drugs, during the reporting period—

''(i) total gross spending by the plan, before manufacturer rebates, fees, or other manufacturer remuneration;

''(ii) the number of participants and beneficiaries who filled a prescription for a drug in that category or class;

''(iii) if applicable to that category or class, a description of the formulary tiers and utilization mechanisms (such as prior authorization or step therapy) employed for drugs in that category or class;

''(iv) the total out-of-pocket spending by participants and beneficiaries, including participant and beneficiary spending through copayments, coinsurance, and deductibles; and

''(v) for each therapeutic category or class under which 3 or more drugs are included on the formulary of such plan or coverage—

''(I) the amount received, or expected to be received, from drug manufacturers in rebates, fees, alternative discounts, or other remuneration—

''(aa) to be paid by drug manufacturers for claims incurred during the reporting period; or

''(bb) that is related to utilization of drugs, in such therapeutic category or class;

''(II) the total net spending, after deducting rebates, price concessions, alternative discounts or other remuneration from drug manufacturers, by the health plan or health insurance coverage on that category or class of drugs; and

''(III) the net price per course of treatment or single fill, such as a 30-day supply or 90-day supply, incurred by the health plan or health insurance coverage and its participants and beneficiaries, after manufacturer rebates, fees, and other remuneration for drugs dispensed within such therapeutic category or class during the reporting period;

''(D) total gross spending on prescription drugs by the plan or coverage during the reporting period, before rebates and other manufacturer fees or remuneration;

''(E) total amount received, or expected to be received, by the health plan or health insurance coverage in drug manufacturer rebates, fees, alternative discounts, and all other remuneration received from the manufacturer or any third party, other than the plan sponsor, related to utilization of drug or drug spending under that health plan or health insurance coverage during the reporting period;

''(F) the total net spending on prescription drugs by the health plan or health insurance coverage during the reporting period; and

''(G) amounts paid directly or indirectly in rebates, fees, or any other type of remuneration to brokers, consultants, advisors, or any other individual or firm who referred the group health plan's or health insurance issuer's business to the pharmacy benefit manager.

''(2) PRIVACY REQUIREMENTS.—Health insurance issuers offering group health insurance coverage and entities providing pharmacy benefits management services on behalf of a group health plan shall provide information under paragraph (1) in a manner consistent with the privacy, security, and breach notification regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996, and shall restrict the use and disclosure of such information according to such privacy regulations.

''(3) DISCLOSURE AND REDISCLOSURE.—

''(A) LIMITATION TO BUSINESS ASSOCIATES.—A group health plan receiving a report under paragraph (1) may disclose such information only to business associates of such plan as defined in section 160.103 of title 45, Code of Federal Regulations (or successor regulations).

''(B) CLARIFICATION REGARDING PUBLIC DISCLOSURE OF INFORMATION.—Nothing in this section prevents a health insurance issuer offering group health insurance coverage or an entity providing pharmacy benefits management services on behalf of a group health plan from placing reasonable restrictions on the public disclosure of the information contained in a report described in paragraph (1), except that such issuer or entity may not restrict disclosure of such report to the Department of Health and Human Services, the Department of Labor, or the Department of the Treasury.

''(C) LIMITED FORM OF REPORT.—The Secretary shall define through rulemaking a limited form of the report under paragraph (1) required of plan sponsors who are drug manufacturers, drug wholesalers, or other direct participants in the drug supply chain, in order to prevent anticompetitive behavior.

''(4) REPORT TO GAO.—A health insurance issuer offering group health insurance coverage or an entity providing pharmacy benefits management services on behalf of a group health plan shall submit to the Comptroller General of the United States each of the first 4 reports submitted to a plan sponsor under paragraph (1) with respect to such coverage or plan, and other such reports as requested, in accordance with the privacy requirements under paragraph (2) and the disclosure and rediscloure standards under paragraph (3), and such other information that the Comptroller General determines necessary to carry out the study under section 30606(b) of the Act entitled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'.

''(c) ENFORCEMENT.—

''(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Health and Human Services and the Secretary of the Treasury, shall enforce this section.

''(2) FAILURE TO PROVIDE TIMELY INFORMATION.—A health insurance issuer or an entity providing pharmacy benefit management services that violates subsection (a) or fails to provide information required under subsection (b), or a drug manufacturer that fails to provide information under subsection (b)(1)(A) in a timely manner, shall be subject to a civil monetary penalty in the amount of $10,000 for each day during which such violation continues or such information is not disclosed or reported.

''(3) FALSE INFORMATION.—A health insurance issuer, entity providing pharmacy benefit management services, or drug manufacturer that knowingly provides false information under this section shall be subject to a civil money penalty in an amount not to exceed $100,000 for each item of false information. Such civil money penalty shall be in addition to other penalties as may be prescribed by law.

''(4) PROCEDURE.—The provisions of section 1128A of the Social Security Act, other than subsection (a) and (b) and the first sentence of subsection (c)(1) of such section shall apply to civil monetary penalties under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A of the Social Security Act.

''(5) WAIVERS.—The Secretary may waive penalties under paragraph (2), or extend the period of time for compliance with a requirement of this section, for an entity in violation of this section that has made a good-faith effort to comply with this section.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to permit a health insurance issuer, group health plan, or other entity to restrict disclosure to, or otherwise limit the access of, the Department of Labor to a report described in subsection (b)(1) or information related to compliance with subsection (a) by such issuer, plan, or entity.

''(e) DEFINITION.—In this section, the term 'wholesale acquisition cost' has the meaning given such term in section 1847A(c)(6)(B) of the Social Security Act.''; and

(2) in section 502(b)(3) (29 U.S.C. 1132(b)(3)), by inserting ''(other than section 727)'' after ''part 7''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) is amended by inserting after the item relating to section 726 the following new item:

''Sec. 727. Oversight of pharmacy benefit manager services.''.

TITLE III—COMMITTEE ON ENERGY AND COMMERCE

Subtitle A—Air Pollution

SEC. 30101. CLEAN HEAVY-DUTY VEHICLES.

The Clean Air Act is amended by inserting after section 131 of such Act (42 U.S.C. 7431) the following:

''SEC. 132. CLEAN HEAVY-DUTY VEHICLES.

''(a) APPROPRIATIONS.—

''(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000,000, to remain available until September 30, 2031, to carry out this section.

''(2) NONATTAINMENT AREAS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available until September 30, 2031, to make awards under this section to eligible recipients and to eligible contractors that propose to replace eligible vehicles to serve 1 or more communities located in an air quality area designated pursuant to section 107 as nonattainment for any air pollutant.

''(3) RESERVATION.—Of the funds appropriated by paragraph (1), the Administrator shall reserve 3 percent for administrative costs necessary to carry out this section.

''(b) PROGRAM.—Beginning not later than 180 days after the date of enactment of this section, the Administrator shall implement a program to make awards of grants and rebates to eligible recipients, and to make awards of contracts to eligible contractors for providing rebates, for up to 100 percent of costs for—

''(1) replacing eligible vehicles with zero-emission vehicles;

''(2) purchasing, installing, operating, and maintaining infrastructure needed to charge, fuel, or maintain zero-emission vehicles;

''(3) workforce development and training to support the maintenance, charging, fueling, and operation of zero-emission vehicles; and

''(4) planning and technical activities to support the adoption and deployment of zero-emission vehicles.

''(c) APPLICATIONS.—To seek an award under this section, an eligible recipient or eligible contractor shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator shall prescribe.

''(d) DEFINITIONS.—For purposes of this section:

''(1) ELIGIBLE CONTRACTOR.—The term 'eligible contractor' means a contractor that has the capacity—

''(A) to sell zero-emission vehicles, or charging or other equipment needed to charge, fuel, or

maintain zero-emission vehicles, to individuals or entities that own an eligible vehicle; or

''(B) to arrange financing for such a sale.

''(2) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means—

''(A) a State;

''(B) a municipality;

''(C) an Indian tribe; or

''(D) a nonprofit school transportation association.

''(3) ELIGIBLE VEHICLE.—The term 'eligible vehicle' means a Class 6 or Class 7 heavy-duty vehicle as defined in section 1037.801 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this section).

''(4) ZERO-EMISSION VEHICLE.—The term 'zero-emission vehicle' means a vehicle that has a drivetrain that produces, under any possible operational mode or condition, zero exhaust emissions of—

''(A) any air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant); and

''(B) any greenhouse gas.''.

SEC. 30102. GRANTS TO REDUCE AIR POLLUTION AT PORTS.

The Clean Air Act is amended by inserting after section 132 of such Act, as added by section 30101 of this Act, the following:

''SEC. 133. GRANTS TO REDUCE AIR POLLUTION AT PORTS.

''(a) APPROPRIATIONS.—

''(1) GENERAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,625,000,000, to remain available until September 30, 2027, to award rebates and grants to eligible recipients on a competitive basis—

''(A) to purchase or install zero-emission port equipment or technology for use at, or to directly serve, one or more ports;

''(B) to conduct any relevant planning or permitting in connection with the purchase or installation of such zero-emission port equipment or technology; and

''(C) to develop qualified climate action plans.

''(2) NONATTAINMENT AREAS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $875,000,000, to remain available until September 30, 2027, to award rebates and grants to eligible recipients to carry out activities described in paragraph (1) with respect to ports located in air quality areas designated pursuant to section 107 as nonattainment for an air pollutant.

''(b) LIMITATION.—Funds awarded under this section shall not be used by any recipient or subrecipient to purchase or install zero-emission port equipment or technology that will not be located at, or directly serve, the one or more ports involved.

''(c) ADMINISTRATION OF FUNDS.—Of the funds made available by this section, the Administrator shall reserve 2 percent for administrative costs necessary to carry out this section.

''(d) DEFINITIONS.—In this section:

''(1) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means—

''(A) a port authority;

''(B) a State, regional, local, or Tribal agency that has jurisdiction over a port authority or a port;

''(C) an air pollution control agency; or

''(D) a private entity (including a nonprofit organization) that—

''(i) applies for a grant under this section in partnership with an entity described in any of subparagraphs (A) through (C); and

''(ii) owns, operates, or uses the facilities, cargo-handling equipment, transportation equipment, or related technology of a port.

''(2) QUALIFIED CLIMATE ACTION PLAN.—The term 'qualified climate action plan' means a detailed and strategic plan that—

''(A) establishes goals, implementation strategies, and accounting and inventory practices (including practices used to measure progress toward stated goals) to reduce emissions at one or more ports of—

''(i) greenhouse gases;

''(ii) an air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant); and

''(iii) hazardous air pollutants;

''(B) includes a strategy to collaborate with, communicate with, and address potential effects on stakeholders that may be affected by implementation of the plan, including low-income and disadvantaged near-port communities; and

''(C) describes how an eligible recipient has implemented or will implement measures to increase the resilience of the one or more ports involved, including measures related to withstanding and recovering from extreme weather events.

''(3) ZERO-EMISSION PORT EQUIPMENT OR TECHNOLOGY.—The term 'zero-emission port equipment or technology' means human-operated equipment or human-maintained technology that—

''(A) produces zero emissions of any air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant) and any greenhouse gas other than water vapor; or

''(B) captures 100 percent of the emissions described in subparagraph (A) that are produced by an ocean-going vessel at berth.''.

SEC. 30103. GREENHOUSE GAS REDUCTION FUND.

The Clean Air Act is amended by inserting after section 133 of such Act, as added by section 30102 of this Act, the following:

''SEC. 134. GREENHOUSE GAS REDUCTION FUND.

''(a) APPROPRIATIONS.—

''(1) ZERO-EMISSION TECHNOLOGIES.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $7,000,000,000, to remain available until September 30, 2024, to make grants, on a competitive basis and beginning not later than 180 calendar days after the date of enactment of this section, to States, municipalities, Tribal governments, and eligible recipients for the purposes of providing grants, loans, or other forms of financial assistance, as well as technical assistance, to enable low-income and disadvantaged communities to deploy or benefit from zero-emission technologies, including distributed technologies on residential rooftops, and to carry out other greenhouse gas emission reduction activities, as determined appropriate by the Administrator in accordance with this section.

''(2) ZERO-EMISSION VEHICLE SUPPLY EQUIPMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available until September 30, 2024, to make grants, on a competitive basis and beginning not later than 180 calendar days after the date of enactment of this section, to States, municipalities, Tribal governments, and eligible recipients to support the purchase, installation, or operation of publicly available equipment to charge or fuel light-duty zero-emission vehicles, including in low-income and disadvantaged communities, through grants, rebates, or other forms of financial assistance, and to carry out related greenhouse gas emission reduction activities, as determined appropriate by the Administrator in accordance with this section.

''(3) GENERAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $11,970,000,000, to remain available until September 30, 2024, to make grants, on a competitive basis and beginning not later than 180 calendar days after the date of enactment of this section, to eligible recipients for the purposes of providing financial assistance and technical assistance in accordance with subsection (b).

''(4) LOW-INCOME AND DISADVANTAGED COMMUNITIES.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $8,000,000,000, to remain available until September 30, 2024, to make grants, on a competitive basis and beginning not later than 180 calendar days after the date of enactment of this section, to eligible recipients for the purposes of providing financial assistance and technical assistance in low-income and disadvantaged communities in accordance with subsection (b).

''(5) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $30,000,000, to remain available until September 30, 2031, for the administrative costs necessary to carry out activities under this section.

''(b) USE OF FUNDS.—An eligible recipient that receives a grant pursuant to subsection (a) shall use the grant in accordance with the following:

''(1) DIRECT INVESTMENT.—The eligible recipient shall—

''(A) use a broad range of finance and investment tools to provide financial assistance to qualified projects at the national, regional, State, and local levels, including, as applicable, through both concessionary and market rate financing;

''(B) prioritize investment in qualified projects that would otherwise lack access to financing;

''(C) retain, manage, recycle, and monetize all repayments and other revenue received from fees, interest, repaid loans, and all other types of financial assistance provided using grant funds under this section to ensure continued operability; and

''(D) meet any requirements set forth by the Administrator to ensure accountability and proper management of funds appropriated by this section.

''(2) INDIRECT INVESTMENT.—The eligible recipient shall provide funding and technical assistance to establish new or support existing public, quasi-public, or nonprofit entities that provide financial assistance to qualified projects at the State, local, territorial, or Tribal level or in the District of Columbia, including community- and low-income-focused lenders and capital providers.

''(c) DEFINITIONS.—In this section:

''(1) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means a nonprofit organization that—

''(A) is designed to provide capital, including by leveraging private capital, and other forms of financial assistance for the rapid deployment of low- and zero-emission products, technologies, and services;

''(B) does not take deposits other than deposits from repayments and other revenue received from financial assistance provided using grant funds under this section;

''(C) is funded by public or charitable contributions; and

''(D) invests in or finances projects alone or in conjunction with other investors.

''(2) QUALIFIED PROJECT.—The term 'qualified project' includes any project, activity, or technology that—

''(A) reduces or avoids greenhouse gas emissions and other forms of air pollution in partnership with, and by leveraging investment from, the private sector; or

''(B) assists communities in the efforts of those communities to reduce or avoid greenhouse gas emissions and other forms of air pollution.

''(3) PUBLICLY AVAILABLE EQUIPMENT.—The term 'publicly available equipment' means equipment that—

''(A) is located at a multi-unit housing structure;

''(B) is located at a workplace and is available to employees of such workplace or employees of a nearby workplace; or

''(C) is at a location that is publicly accessible for a minimum of 12 hours per day at least 5 days per week and networked or otherwise capable of being monitored remotely.

''(4) ZERO-EMISSION TECHNOLOGY.—The term 'zero-emission technology' means any technology that produces zero emissions of—

''(A) any air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant); and

''(B) any greenhouse gas.

''(5) ZERO-EMISSION VEHICLE.—The term 'zero-emission vehicle' means a vehicle that has a drivetrain that produces, under any possible operational mode or condition, zero exhaust emissions of—

''(A) any air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant); and

''(B) any greenhouse gas.''.

SEC. 30104. COLLABORATIVE COMMUNITY WILDFIRE AIR GRANTS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2031, for grants authorized under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)–(c)) to assist eligible entities in developing and implementing collaborative community plans to prepare for smoke from wildfires, reduce risks of smoke exposure due to wildfires, and mitigate the health and environmental effects of smoke from wildfires.

(b) TECHNICAL ASSISTANCE.—The Administrator of the Environmental Protection Agency may use amounts made available under subsection (a) to provide technical assistance to any eligible entity in—

(1) submitting an application for a grant to be made pursuant to this section; or

(2) carrying out a project using a grant made pursuant to this section.

(c) ADMINISTRATIVE COSTS.—Of the amounts made available under subsection (a), the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs to carry out this section.

(d) ELIGIBLE ENTITIES.—In this section, the term ''eligible entity'' means a State, an air pollution control agency, a municipality, or an Indian tribe (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)).

SEC. 30105. DIESEL EMISSIONS REDUCTIONS.

(a) GOODS MOVEMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $60,000,000, to remain available until September 30, 2031, for grants, rebates, and loans under section 792 of the Energy Policy Act of 2005 (42 U.S.C. 16132) to identify and reduce diesel emissions resulting from goods movement facilities, and vehicles servicing goods movement facilities, in low-income and disadvantaged communities to address the health impacts of such emissions on such communities.

(b) ADMINISTRATIVE COSTS.—The Administrator of the Environmental Protection Agency shall reserve 2 percent of the amounts made available under this section for the administrative costs necessary to carry out activities pursuant to this section.

SEC. 30106. FUNDING TO ADDRESS AIR POLLUTION.

(a) APPROPRIATIONS.—

(1) FENCELINE AIR MONITORING AND SCREENING AIR MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $117,500,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) to deploy, integrate, support, and maintain fenceline air monitoring, screening air monitoring, national air toxics trend stations, and other air toxics and community monitoring.

(2) MULTIPOLLUTANT MONITORING STATIONS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405)—

(A) to expand the national ambient air quality monitoring network with new multipollutant monitoring stations; and

(B) to replace, repair, operate, and maintain existing monitors.

(3) AIR QUALITY SENSORS IN LOW-INCOME AND DISADVANTAGED COMMUNITIES.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) to deploy, integrate, and operate air quality sensors in low-income and disadvantaged communities.

(4) EMISSIONS FROM WOOD HEATERS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) for testing and other agency activities to address emissions from wood heaters.

(5) METHANE MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) for monitoring emissions of methane.

(6) CLEAN AIR ACT GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405).

(7) OTHER ACTIVITIES.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $45,000,000, to remain available until September 30, 2031, to carry out, with respect to greenhouse gases, sections 111, 115, 165, 177, 202, 211, 213, 231, and 612 of the Clean Air Act (42 U.S.C. 7411, 7415, 7475, 7507, 7521, 7545, 7547, 7571, and 7671k).

(8) GREENHOUSE GAS AND ZERO-EMISSION STANDARDS FOR MOBILE SOURCES.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, to provide grants to States to adopt and implement greenhouse gas and zero-emission standards for mobile sources pursuant to section 177 of the Clean Air Act (42 U.S.C. 7507).

(b) ADMINISTRATION OF FUNDS.—Of the funds made available pursuant to paragraphs (1), (2), (5) and (6) of subsection (a), the Administrator of the Environmental Protection Agency shall reserve 5 percent for activities funded pursuant to such subsection other than grants.

SEC. 30107. FUNDING TO ADDRESS AIR POLLUTION AT SCHOOLS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $37,500,000, to remain available until September 30, 2031, for grants and other activities to monitor and reduce air pollution and greenhouse gas emissions at schools in low-income and disadvantaged communities under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)–(c)) and section 105 of that Act (42 U.S.C. 7405).

(b) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $12,500,000, to remain available until September 30, 2031, for providing technical assistance to schools in low-income and disadvantaged communities under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)–(c)) and section 105 of that Act (42 U.S.C. 7405)—

(1) to address environmental issues;

(2) to develop school environmental quality plans that include standards for school building, design, construction, and renovation; and

(3) to identify and mitigate ongoing air pollution hazards.

SEC. 30108. LOW EMISSIONS ELECTRICITY PROGRAM.

The Clean Air Act is amended by inserting after section 134 of such Act, as added by section 30103 of this Act, the following:

''SEC. 135. LOW EMISSIONS ELECTRICITY PROGRAM.

''(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

''(1) $17,000,000 for consumer-related education and partnerships with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(2) $17,000,000 for education, technical assistance, and partnerships within low-income and disadvantaged communities with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(3) $17,000,000 for industry-related outreach and technical assistance, including through partnerships, with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(4) $17,000,000 for outreach and technical assistance to State and local governments, including through partnerships, with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(5) $1,000,000 to assess, not later than 1 year after the date of enactment of this section, the reductions in greenhouse gas emissions that result from changes in domestic electricity generation and use that are anticipated to occur on an annual basis through fiscal year 2031; and

''(6) $18,000,000 to carry out this section to ensure that reductions in greenhouse gas emissions from domestic electricity generation and use are

achieved through use of the authorities of this Act, including through the establishment of requirements under this Act, incorporating the assessment under paragraph (5) as a baseline.

''(b) ADMINISTRATION OF FUNDS.—Of the amounts made available under subsection (a), the Administrator shall reserve 2 percent for the administrative costs necessary to carry out activities pursuant to that subsection.''.

SEC. 30109. FUNDING FOR SECTION 211(O) OF THE CLEAN AIR ACT.

(a) TEST AND PROTOCOL DEVELOPMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, to carry out section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) with respect to—

(1) the development and establishment of tests and protocols regarding the environmental and public health effects of a fuel or fuel additive;

(2) internal and extramural data collection and analyses to regularly update applicable regulations, guidance, and procedures for determining lifecycle greenhouse gas emissions of a fuel; and

(3) the review, analysis and evaluation of the impacts of all transportation fuels, including fuel lifecycle implications, on the general public and on low-income and disadvantaged communities.

(b) INVESTMENTS IN ADVANCED BIOFUELS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2031, for new grants to industry and other related activities under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) to support investments in advanced biofuels.

SEC. 30110. FUNDING FOR IMPLEMENTATION OF THE AMERICAN INNOVATION AND MANUFACTURING ACT.

(a) APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2026, to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(2) IMPLEMENTATION AND COMPLIANCE TOOLS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,500,000, to remain available until September 30, 2026, to deploy new implementation and compliance tools to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(3) COMPETITIVE GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2026, for competitive grants for reclaim and innovative destruction technologies under subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(b) ADMINISTRATION OF FUNDS.—Of the funds made available pursuant to subsection (a)(3), the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out activities pursuant to such subsection.

SEC. 30111. FUNDING FOR ENFORCEMENT TECHNOLOGY AND PUBLIC INFORMATION.

(a) COMPLIANCE MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $37,000,000, to remain available until September 30, 2031, to update the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems, necessary information technology infrastructure, or public access software tools to ensure access to compliance data and related information.

(b) COMMUNICATIONS WITH ICIS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $7,000,000, to remain available until September 30, 2031, for grants to States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)) to update their systems to ensure communication with the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems.

(c) INSPECTION SOFTWARE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $6,000,000, to remain available until September 30, 2031—

(1) to acquire or update inspection software for use by the Environmental Protection Agency, States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)); or

(2) to acquire necessary devices on which to run such inspection software.

SEC. 30112. GREENHOUSE GAS CORPORATE REPORTING.

In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, for the Environmental Protection Agency to support—

(1) enhanced standardization and transparency of corporate climate action commitments and plans to reduce greenhouse gas emissions;

(2) enhanced transparency regarding progress toward meeting such commitments and implementing such plans; and

(3) progress toward meeting such commitments and implementing such plans.

SEC. 30113. ENVIRONMENTAL PRODUCT DECLARATION ASSISTANCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to develop and carry out a program to support the development, and enhanced standardization and transparency, of environmental product declarations for construction materials and products, including by—

(1) providing grants to businesses that manufacture construction materials and products for developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses;

(2) providing technical assistance to businesses that manufacture construction materials and products in developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses; and

(3) carrying out other activities that assist in measuring, reporting, and steadily reducing the quantity of embodied carbon of construction materials and products.

(b) ADMINISTRATIVE COSTS.—Of the amounts made available under this section, the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out this section.

(c) DEFINITIONS.—In this section:

(1) EMBODIED CARBON.—The term ''embodied carbon'' means the quantity of greenhouse gas emissions associated with all relevant stages of production of a material or product, measured in kilograms of carbon dioxide-equivalent per unit of such material or product.

(2) ENVIRONMENTAL PRODUCT DECLARATION.—The term ''environmental product declaration'' means a document that reports the environmental impact of a material or product that—

(A) includes measurement of the embodied carbon of the material or product;

(B) conforms with international standards, such as a Type III environmental product declaration, as defined by the International Organization for Standardization standard 14025; and

(C) is developed in accordance with any standardized reporting criteria specified by the Administrator of the Environmental Protection Agency.

(3) STATE.—The term ''State'' has the meaning given to that term in section 302(d) of the Clean Air Act (42 U.S.C. 7602(d)).

SEC. 30114. METHANE EMISSIONS REDUCTION PROGRAM.

The Clean Air Act is amended by inserting after section 135 of such Act, as added by section 30108 of this Act, the following:

''SEC. 136. METHANE EMISSIONS AND WASTE REDUCTION INCENTIVE PROGRAM FOR PETROLEUM AND NATURAL GAS SYSTEMS.

''(a) INCENTIVES FOR METHANE MITIGATION AND MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $775,000,000, to remain available until September 30, 2028—

''(1) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to owners and operators of applicable facilities to prepare and submit greenhouse gas reports under subpart W of part 98 of title 40, Code of Federal Regulations (or any successor regulations);

''(2) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency authorized under subsections (a) through (c) of section 103 for methane emissions monitoring;

''(3) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to reduce methane and other greenhouse gas emissions from petroleum and natural gas systems, mitigate legacy air pollution from petroleum and natural gas systems, and provide support for communities, including funding for—

''(A) improving climate resiliency of communities and petroleum and natural gas systems;

''(B) improving and deploying industrial equipment and processes that reduce methane and other greenhouse gas emissions and waste;

''(C) supporting innovation in reducing methane and other greenhouse gas emissions and waste from petroleum and natural gas systems;

''(D) mitigating health effects of methane and other greenhouse gas emissions, and legacy air pollution from petroleum and natural gas systems in low-income and disadvantaged communities; and

''(E) supporting environmental restoration; and

''(4) to cover all direct and indirect costs required to administer this section, including the costs of implementing the waste emissions charge under subsection (b), preparing inventories, gathering empirical data, and tracking emissions.

''(b) WASTE EMISSIONS CHARGE.—The Administrator shall impose and collect a charge on methane emissions that exceed an applicable waste emissions threshold under subsection (e) from an owner or operator of an applicable facility that is required to report methane emissions pursuant to subpart W of part 98 of title 40, Code of Federal Regulations (or any successor regulations).

''(c) APPLICABLE FACILITY.—For purposes of this section, the term 'applicable facility' means a facility within the following industry segments, as defined in subpart W of part 98 of title 40, Code of Federal Regulations (or any successor regulations):

''(1) Offshore petroleum and natural gas production.

''(2) Onshore petroleum and natural gas production.

''(3) Onshore natural gas processing,

''(4) Onshore natural gas transmission compression.

''(5) Underground natural gas storage.

''(6) Liquefied natural gas storage.

''(7) Liquefied natural gas import and export equipment.

''(8) Onshore petroleum and natural gas gathering and boosting.

''(9) Onshore natural gas transmission pipeline.

''(d) CHARGE AMOUNT.—The amount of a charge under subsection (b) for an applicable facility shall be equal to the product obtained by multiplying—

''(1) the number of tons of methane emissions reported pursuant to subpart W of part 98 of title 40, Code of Federal Regulations (or any successor regulations) for the applicable facility that exceed the applicable annual waste emissions threshold listed in subsection (e) during the previous reporting period; and

''(2)(A) $900 for emissions reported for calendar year 2023;

''(B) $1200 for emissions reported for calendar year 2024; or

''(C) $1500 for emissions reported for calendar year 2025 and each year thereafter.

''(e) WASTE EMISSIONS THRESHOLD.—

''(1) PETROLEUM AND NATURAL GAS PRODUCTION.—With respect to imposing and collecting the charge under subsection (b) for an applicable facility in an industry segment listed in paragraph (1) or (2) of subsection (c), the Administrator shall impose and collect the charge on the reported tons of methane emissions that exceed—

''(A) 0.20 percent of the natural gas sent to sale from such facility; or

''(B) 10 metric tons of methane per million barrels of oil sent to sale from such facility, if such facility sent no natural gas to sale.

''(2) NONPRODUCTION PETROLEUM AND NATURAL GAS SYSTEMS.—With respect to imposing and collecting the charge under subsection (b) for an applicable facility in an industry segment listed in paragraph (3), (6), (7), or (8) of subsection (c), the Administrator shall impose and collect the charge on the reported tons of methane emissions that exceed 0.05 percent of the natural gas sent to sale from such facility.

''(3) NATURAL GAS TRANSMISSION.—With respect to imposing and collecting the charge under subsection (b) for an applicable facility in an industry segment listed in paragraph (4), (5), or (9) of subsection (c), the Administrator shall impose and collect the charge on the reported tons of methane emissions that exceed 0.11 percent of the natural gas sent to sale from such facility.

''(4) EXEMPTION.—Charges shall not be imposed pursuant to paragraph (1) on emissions that exceed the waste emissions threshold specified in such paragraph if such emissions are caused by unreasonable delay in environmental permitting of gathering infrastructure.

''(f) PERIOD.—The charge under subsection (b) shall be imposed and collected beginning with respect to emissions reported for calendar year 2023 and for each year thereafter.

''(g) IMPLEMENTATION.—In addition to other authorities in this Act addressing air pollution from the oil and natural gas sectors, the Administrator may issue guidance or regulations as necessary to carry out this section.

''(h) REPORTING.—Not later than 2 years after the date of enactment of this section, and as necessary thereafter, the Administrator shall revise the requirements of subpart W of part 98 of title 40, Code of Federal Regulations—

''(1) to reduce the facility emissions threshold for reporting under such subpart and for paying the charge imposed under this section to 10,000 metric tons of carbon dioxide equivalent of greenhouse gases emitted per year; and

''(2) to ensure the reporting under such subpart, and calculation of charges under subsections (d) and (e) of this section, are based on empirical data and accurately reflect the total methane emissions and waste emissions from the applicable facilities.

''(i) LIABILITY FOR CHARGE PAYMENT.—A facility owner or operator's liability for payment of the charge under subsection (b) is not affected in any way by emission standards, permit fees, penalties, or other requirements under this Act or any other legal authorities.''.

SEC. 30115. FUNDING FOR THE OFFICE OF THE INSPECTOR GENERAL OF THE ENVIRONMENTAL PROTECTION AGENCY.

In addition to amounts otherwise made available, there is appropriated to the Office of the Inspector General of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2031, for oversight of activities supported with funds appropriated to the Environmental Protection Agency in this Act.

SEC. 30116. CLIMATE POLLUTION REDUCTION GRANTS.

The Clean Air Act is amended by inserting after section 136 of such Act, as added by section 30114 of this Act, the following:

''SEC. 137. GREENHOUSE GAS AIR POLLUTION PLANS AND IMPLEMENTATION GRANTS.

''(a) APPROPRIATIONS.—

''(1) GREENHOUSE GAS AIR POLLUTION PLANNING GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to carry out subsection (b).

''(2) GREENHOUSE GAS AIR POLLUTION IMPLEMENTATION GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $4,750,000,000, to remain available until September 30, 2026, to carry out subsection (c).

''(3) ADMINISTRATIVE COSTS.—Of the funds made available under paragraph (2), the Administrator shall reserve 3 percent for administrative costs necessary to carry out this section, including providing technical assistance to eligible entities, developing a plan that could be used as a model by grantees in developing a plan under subsection (b), and modeling the effects of plans described in this section.

''(b) GREENHOUSE GAS AIR POLLUTION PLANNING GRANTS.—The Administrator shall make a grant to at least one eligible entity in each State for the costs of developing a plan for the reduction of greenhouse gas air pollution to be submitted with an application for a grant under subsection (c). Each such plan shall include programs, policies, measures, and projects that will achieve or facilitate the reduction of greenhouse gas air pollution. Not later than 270 days after the date of enactment of this section, the Administrator shall publish a funding opportunity announcement for grants under this subsection.

''(c) GREENHOUSE GAS AIR POLLUTION REDUCTION IMPLEMENTATION GRANTS.—

''(1) IN GENERAL.—The Administrator shall competitively award grants to eligible entities to implement plans developed under subsection (b).

''(2) APPLICATION.—To apply for a grant under this subsection, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator shall require, which such application shall include information regarding—

''(A) the degree to which greenhouse gas air pollution is projected to be reduced, including with respect to low-income and disadvantaged communities; and

''(B) the quantifiability, specificity, additionality, permanence, and verifiability of such projected greenhouse gas air pollution reduction.

''(3) TERMS AND CONDITIONS.—The Administrator shall make funds available to a grantee under this subsection in such amounts, upon such a schedule, and subject to such conditions based on its performance in implementing its plan submitted under this section and in achieving projected greenhouse gas air pollution reduction, as determined by the Administrator.

''(d) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means—

''(1) a State;

''(2) an air pollution control agency;

''(3) a municipality;

''(4) an Indian tribe; and

''(5) a group of one or more entities listed in paragraphs (1) through (4).''.

SEC. 30117. ENVIRONMENTAL PROTECTION AGENCY EFFICIENT, ACCURATE, AND TIMELY REVIEWS.

In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2026, to provide for the development of efficient, accurate, and timely reviews for permitting and approval processes through the hiring and training of personnel, the development of programmatic documents, the procurement of technical or scientific services for reviews, the development of environmental data or information systems, stakeholder and community engagement, the purchase of new equipment for environmental analysis, and the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

SEC. 30118. LOW-EMBODIED CARBON LABELING FOR CONSTRUCTION MATERIALS FOR TRANSPORTATION PROJECTS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, to develop and carry out a program, in consultation with the Administrator of the Federal Highway Administration, to identify and label, based on environmental product declarations, low-embodied carbon construction materials and products used for transportation projects, and for necessary administrative costs of the Administrator of the Environmental Protection Agency to carry out this section.

(b) DEFINITIONS.—In this section:

(1) EMBODIED CARBON.—The term ''embodied carbon'' means the quantity of greenhouse gas emissions associated with all relevant stages of production of a material or product, measured in kilograms of carbon dioxide-equivalent per unit of such material or product.

(2) ENVIRONMENTAL PRODUCT DECLARATION.—The term ''environmental product declaration'' means a document that reports the environmental impact of a material or product that—

(A) includes measurement of the embodied carbon of the material or product;

(B) conforms with international standards, such as a Type III environmental product declaration as defined by the International Organization for Standardization standard 14025; and

(C) is developed in accordance with any standardized reporting criteria specified by the Administrator of the Environmental Protection Agency.

(3) LOW-EMBODIED CARBON CONSTRUCTION MATERIALS AND PRODUCTS.—The term ''low-embodied carbon construction materials and products'' means construction materials and products identified by the Administrator of the Environmental Protection Agency as having substantially lower levels of embodied carbon as compared to estimated industry averages of similar materials or products.

Subtitle B—Hazardous Materials

SEC. 30201. GRANTS TO REDUCE WASTE IN COMMUNITIES.

The Solid Waste Disposal Act is amended by inserting after section 7010 (42 U.S.C. 6979b) the following:

''SEC. 7011. GRANTS TO REDUCE WASTE IN COMMUNITIES.

''(a) APPROPRIATIONS.—

''(1) ORGANICS RECYCLING AND FOOD WASTE.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $95,000,000, to remain available until September 30, 2031, to make grants, on a competitive basis, to eligible recipients for projects in, or directly serving, low-income or disadvantaged communities to—

''(A) construct, expand, or modernize infrastructure for recycling and reuse of organic material, including any facility, machinery, or equipment used to collect and process organic material; or

''(B) measure, reduce, and prevent food waste.

''(2) OTHER WASTE REDUCTION ACTIVITIES.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $95,000,000, to remain available until September 30, 2031, to make grants, on a competitive basis, to eligible recipients for projects in, or directly serving, low-income or disadvantaged communities to—

''(A) reduce the amount of waste generated from manufacturing processes or when consumer products are disposed of, including by encouraging product or manufacturing redesign or redevelopment that reduces packaging and waste byproducts;

''(B) create market demand or manufacturing capacity for recovered, recyclable, or recycled commodities and products, including compost; or

''(C) support the development and implementation of activities that reduce the amount of waste disposed of in landfills or prevent the disposal of waste in landfills, including—

''(i) expanding the availability of source-separated organic waste collection;

''(ii) encouraging diversion of organic waste from landfills; or

''(iii) increasing fees imposed on the disposal of waste, including organic waste, at landfills.

''(b) ADMINISTRATION OF FUNDS.—Of the amounts made available under subsection (a), the Administrator shall reserve 5 percent for the administrative costs necessary to carry out activities pursuant to that subsection.

''(c) DEFINITION OF ELIGIBLE RECIPIENT.—In this section, the term 'eligible recipient' means—

''(1) a single unit of State, local, or Tribal government; or

''(2) a nonprofit organization.''.

SEC. 30202. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

The Clean Air Act is amended by inserting after section 137, as added by subtitle A of this title, the following:

''SEC. 138. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

''(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

''(1) $2,800,000,000 to remain available until September 30, 2026, to award grants for the activities described in subsection (b); and

''(2) $200,000,000 to remain available until September 30, 2026, to provide technical assistance to eligible entities related to grants awarded under this section.

''(b) GRANTS.—

''(1) IN GENERAL.—The Administrator shall use amounts made available under subsection (a)(1) to award grants for periods of up to 3 years to eligible entities to carry out activities described in paragraph (2) that benefit disadvantaged communities, as defined by the Administrator.

''(2) ELIGIBLE ACTIVITIES.—An eligible entity may use a grant awarded under this subsection for—

''(A) community-led air and other pollution monitoring, prevention, and remediation, and investments in low- and zero-emission and resilient technologies and related infrastructure and workforce development that help reduce greenhouse gas emissions and other air pollutants;

''(B) mitigating climate and health risks from urban heat islands, extreme heat, wood heater emissions, and wildfire events;

''(C) climate resiliency and adaptation;

''(D) reducing indoor toxics and indoor air pollution; or

''(E) facilitating engagement of disadvantaged communities in State and Federal public processes, including facilitating such engagement in advisory groups, workshops, and rulemakings.

''(3) ELIGIBLE ENTITIES.—In this subsection, the term 'eligible entity' means—

''(A) a partnership between—

''(i) an Indian tribe, a local government, or an institution of higher education; and

''(ii) a community-based nonprofit organization;

''(B) a community-based nonprofit organization; or

''(C) a partnership of community-based nonprofit organizations.

''(c) ADMINISTRATIVE COSTS.—The Administrator shall reserve 7 percent of the amounts made available under subsection (a) for administrative costs to carry out this section.''.

SEC. 30203. FUNDING FOR DATA COLLECTION ON NATIONAL RECYCLING EFFORTS.

In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2031, to support data collection activities with respect to recycling efforts throughout the nation, with a particular focus on recycling efforts in disadvantaged, low-income, and rural communities that lack access to recycling services.

Subtitle C—Drinking Water

SEC. 30301. LEAD REMEDIATION PROJECTS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $9,000,000,000, to remain available until September 30, 2026, for—

(1) grants under the lead reduction grant program under section 1459B(b) of the Safe Drinking Water Act (42 U.S.C. 300j–19b(b)) to entities eligible for grants under that program that serve communities determined to be disadvantaged communities pursuant to paragraph (3)(A) of such subsection, for full service line replacement within those disadvantaged communities;

(2) grants for the installation and maintenance of lead filtration stations at schools and child care programs (as defined in section 1464(d)(1) of that Act (42 U.S.C. 300j–24(d)(1)) that serve disadvantaged communities; and

(3) grants under subsection (d) of section 1464 of that Act (42 U.S.C. 300j–24)—

(A) to pay the costs of replacement of drinking water fountains in schools and child care programs that serve disadvantaged communities;

(B) for lead remediation projects in buildings operated by entities eligible for grants under that subsection that serve disadvantaged communities; and

(C) for compliance monitoring in disadvantaged communities.

(b) COST-SHARE WAIVER.—An entity receiving assistance pursuant to this section shall not be required to provide a share of the costs of carrying out the project or activity funded by that assistance.

(c) ADMINISTRATIVE COSTS.—Of the amounts made available under subsection (a), the Administrator of the Environmental Protection Agency shall reserve 7 percent for the administrative costs of carrying out this section.

SEC. 30302. FUNDING FOR WATER ASSISTANCE PROGRAM.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $225,000,000, to remain available until expended, to provide grants to States, Indian Tribes, and Tribal organizations to assist low-income households that pay a high proportion of household income for drinking water and wastewater (including stormwater) services, particularly households with an annual income that is less than or equal to 150 percent of the Federal poverty line, by providing amounts to community water systems (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f)) or publicly owned treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)) to reduce the arrearages of and rates charged to those households for those services by up to 100 percent.

(b) REQUIREMENT.—Of the amounts made available under subsection (a), the Administrator of the Environmental Protection Agency shall reserve not more than 3 percent to provide the assistance described in that subsection to Indian Tribes and Tribal organizations.

(c) COST-SHARE WAIVER.—An entity receiving assistance pursuant to this section shall not be required to provide a share of the costs of carrying out the activity funded by that assistance.

(d) ADMINISTRATIVE COSTS.—Of the amounts made available under subsection (a), the Administrator of the Environmental Protection Agency shall reserve 7 percent for the administrative costs of carrying out this section.

(e) DEFINITION OF STATE.—In this section, the term ''State'' means—

(1) each of the 50 States;

(2) the District of Columbia;

(3) the Commonwealth of Puerto Rico;

(4) American Samoa;

(5) Guam;

(6) the United States Virgin Islands; and

(7) the Commonwealth of the Northern Mariana Islands.

Subtitle D—Energy

PART 1—RESIDENTIAL EFFICIENCY AND ELECTRIFICATION REBATES

SEC. 30411. HOME ENERGY PERFORMANCE-BASED, WHOLE-HOUSE REBATES AND TRAINING GRANTS.

(a) HOME ON-LINE PERFORMANCE-BASED ENERGY EFFICIENCY (HOPE) CONTRACTOR TRAINING GRANTS.—

(1) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $360,000,000, to remain available until September 30, 2030, to award grants to States to develop and implement a State program described in section 362(d)(13) of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)(13)), which shall partner with nonprofit organizations to fund qualifying programs described in paragraph (2) that provide training courses and opportunities to support home energy efficiency

upgrade construction services to train workers, both on-line and in-person, to support and provide for the home energy efficiency retrofits under subsection (b), and for administrative expenses associated with carrying out this subsection.

(2) QUALIFYING PROGRAMS.—For the purposes of this paragraph, qualifying programs are programs that—

(A) provide the equivalent of at least 30 hours in total course time;

(B) are provided by a provider that is accredited by the Interstate Renewable Energy Council or has other accreditation determined to be equivalent by the Secretary;

(C) are, with respect to a particular job, aligned with the relevant National Renewable Energy Laboratory Job Task Analysis, or other credentialing program foundation that helps identify the necessary core knowledge areas, critical work functions, or skills, as approved by the Secretary;

(D) have established learning objectives;

(E) include, as the Secretary determines appropriate, an appropriate assessment of such learning objectives that may include a final exam, to be proctored on-site or through remote proctoring, or an in-person field exam; and

(F) include training related to—

(i) contractor certification;

(ii) energy auditing or assessment;

(iii) home energy systems (including Energy Star-qualified HVAC systems and Wi-Fi-enabled home energy communications technology, or any future technology that achieves the same goals);

(iv) insulation installation and air leakage control;

(v) health and safety regarding the installation of energy efficiency measures or health and safety impacts associated with energy efficiency retrofits;

(vi) indoor air quality;

(vii) energy efficiency retrofits in manufactured housing; and

(viii) residential electrification training and conversion training.

(3) STATE ENERGY PROGRAM PROVIDERS.—A State energy office may use not more than 10 percent of the amounts made available to the State energy office under this subsection to administer a qualifying program described in paragraph (2), including for the conduct of design and operations activities.

(4) TERMS AND CONDITIONS.—

(A) ELIGIBLE USE OF FUNDS.—Of the amounts made available to a State under this subsection, 85 percent shall be used by the State—

(i) to support the operations of qualifying programs, including establishing, modifying, or maintaining the online systems, staff time, and software and online program management, through a course that meets the applicable criteria;

(ii) to reimburse the contractor company for training costs for employees;

(iii) to provide any home technology support needed for an employee to receive training pursuant to this subsection; and

(iv) to support wages of employees during training.

(B) TIMING OF OBLIGATIONS.—Amounts made available under this subsection shall be used, as necessary, to cover or reimburse allowable costs incurred after the date of enactment of this Act.

(C) UNOBLIGATED AMOUNTS.—Amounts made available under this subsection which are not accepted, are voluntarily returned, or otherwise recaptured for any reason shall be used to fund grants under subsection (b).

(b) HOME OWNER MANAGING ENERGY SAVINGS (HOMES) REBATES.—

(1) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,890,000,000, to remain available until September 30, 2030, to award grants, in accordance with the formula for the State Energy Program under part D of title III of the Energy Policy and Conservation Act in effect on January 1, 2021, to State energy offices to establish Home Owner Managing Energy Savings (HOMES) Rebate Programs pursuant to section 362(d)(5) of such Act (42 U.S.C. 6322(d)(5)), and for administrative expenses associated with carrying out this subsection.

(2) COORDINATION.—In carrying out this subsection, the Secretary shall coordinate with State energy offices to ensure that programs that receive awards are formulated to achieve maximum greenhouse gas emissions reductions and household energy and costs savings.

(3) APPLICATION.—In order to receive a grant under this subsection, a State shall submit to the Secretary an application that includes a plan to implement a qualifying State program that includes—

(A) a plan to ensure that each home energy efficiency retrofit under the program—

(i) is completed by a contractor who meets minimum training requirements, certification requirements, and other requirements established by the Secretary; and

(ii) includes installation of 1 or more home energy efficiency retrofit measures that are modeled to achieve, or are shown to achieve, the minimum reduction required in home energy use, or with respect to a portfolio of home energy efficiency retrofits, in aggregated home energy use for such portfolio;

(B) a plan—

(i) to utilize, for purposes of modeled performance home rebates, modeling software, methods, and procedures for determining and documenting the reductions in home energy use resulting from the implementation of a home energy efficiency retrofit that is calibrated to historical energy usage for a home consistent with BPI 2400, that are approved by the Secretary, that can provide evidence for necessary improvements to a State program, and that can help to calibrate models for accuracy;

(ii) to utilize, for purposes of measured performance home rebates, open-source advanced measurement and verification software approved by the Secretary for determining and documenting the monthly and hourly (if available) weather-normalized baseline energy use of a home, the reductions in monthly and hourly (if available) weather-normalized energy use of a home resulting from the implementation of a home energy efficiency retrofit, and open-source advanced measurement and verification software approved by the Secretary; and

(iii) to value savings based on time, location, or greenhouse gas emissions;

(C) procedures for a homeowner to transfer the right to claim a rebate to the contractor performing the applicable home energy efficiency retrofit or to an aggregator, if the State program will utilize aggregators;

(D) if the State program will utilize aggregators to facilitate delivery of rebates to homeowners or contractors, requirements for an entity to be eligible to serve as an aggregator;

(E) quality monitoring to ensure that each installation that receives a rebate is documented in a certificate, provided by the contractor to the homeowner, that details the work, including information about the characteristics of equipment and materials installed, as well as projected energy savings or energy generation, in a way that will enable the homeowner to clearly communicate the value of the high-performing features funded by the rebate to buyers, real estate agents, appraisers and lenders; and

(F) a procedure for providing the contractor performing a home energy efficiency retrofit or an aggregator who has the right to claim such rebate with $200 for each home located in an underserved community that receives a home efficiency retrofit for which a rebate is provided under the program.

(4) AMOUNT OF REBATES FOR SINGLE FAMILY AND MULTIFAMILY HOMES.—Of the amounts provided to a State energy office under this subsection, 85 percent shall be used to provide Home Owner Managing Energy Savings (HOMES) Rebates to—

(A) individuals and aggregators for the energy efficiency upgrades of single-family homes of not more than 4 units—

(i) $2,000 for a retrofit that achieves at least 20 percent modeled energy system savings or 50 percent of the project cost, whichever is lower;

(ii) $4,000 for a retrofit that achieves at least 35 percent modeled energy system savings or 50 percent of the project cost, whichever is lower; or

(iii) for measured energy savings, a payment per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $2,000 for a 20 percent reduction of energy use for the average home in the State, for homes or portfolios of homes that achieve at least 15 percent energy savings, or 50 percent of the project cost, whichever is lower;

(B) multifamily building owners and aggregators for the energy efficiency upgrades of multifamily buildings—

(i) $2,000 per dwelling unit for a retrofit that achieves at least 20 percent modeled energy system savings up a maximum of $200,000 per multifamily building;

(ii) $4,000 per dwelling unit for a retrofit that achieves at least 35 percent modeled energy system savings up to a maximum of $400,000 per multifamily building; or

(iii) for measured energy savings, a payment rate per kilowatt hours saved, or kilowatt hour-equivalent saves, equal to $2,000 for a 20 percent reduction of energy use for the average multifamily building in the State, for multifamily buildings or portfolios of buildings that achieve at least 15 percent energy savings, or 50 percent of the project cost, whichever is lower; or

(C) individuals and aggregators for the energy efficiency upgrades of single family homes of 4 units or less or multifamily buildings that are occupied by residents with an annual income of less than 80 percent of the area median income as published publicly by the Department of Housing and Urban Development—

(i) $4,000 for a retrofit that achieves at least 20 percent modeled energy system savings or 80 percent of the project cost, whichever is lower;

(ii) $8,000 for a retrofit that achieves at least 35 percent modeled energy system savings or 80 percent of the project cost, whichever is lower; or

(iii) for measured energy savings, a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $4,000 for a 20 percent reduction of energy use for the average multifamily building in the State, for multifamily buildings or portfolios of buildings that achieve at least 15 percent energy savings, or 80 percent of the project cost, whichever is lower.

(5) REQUIREMENT.—Not less than 25 percent of the funds provided to a State energy office under this subsection shall be used for the purposes of each of subparagraphs (A), (B), and (C) of paragraph (4).

(6) ELIGIBILITY OF CERTAIN APPLIANCES.—In calculating total energy savings for single family or multifamily homes under this subsection, a program may include savings from the purchase of high-efficiency natural gas HVAC systems and water heaters certified under the Energy Star program until the date that is 6 years after the date of enactment of this Act.

(7) PLANNING.—Not to exceed 20 percent of any grant made with funds made available under this subsection shall be expended for planning and management development and administration.

(8) TECHNICAL ASSISTANCE.—Amounts made available under this subsection shall be used for single family, multifamily, and manufactured housing rebates and the Secretary shall, in consultation with States, contractors, and other local technical experts design support, methodology, and contractor criteria as appropriate for the different building stock.

(9) USE OF FUNDS.—Rebate amounts made available through the High-Efficiency Electric Home Rebate Program established under subsection (b)(1) of section 124 of the Energy Policy Act of 2005 (as amended by this subtitle) may be used in conjunction with the funds made available under this subsection.

(c) DEFINITIONS.—In this section:

(1) AGGREGATOR.—The term ''aggregator'' means a gas utility, electric utility, commercial entity, nonprofit entity, or State or local government entity that may receive rebates provided under a State program under this section for 1 or more portfolios consisting of 1 or more energy efficiency retrofits.

(2) CONTRACTOR CERTIFICATION.—The term ''contractor certification'' means—

(A) an industry recognized certification that may be obtained by a residential contractor to advance the expertise and education of the contractor in energy efficiency retrofits of residential buildings; and

(B) any other certification the Secretary determines appropriate for purposes of the HOMES Rebate Program established under subsection (b).

(3) CONTRACTOR COMPANY.—The term ''contractor company'' means a company—

(A) the business of which is to provide services to residential building owners with respect to HVAC systems, insulation, air sealing, or other services that are approved by the Secretary;

(B) that holds the licenses and insurance required by the State in which the company provides services; and

(C) that provides services for which a rebate may be provided pursuant to the HOMES Rebate Program established under subsection (b).

(4) ENERGY STAR PROGRAM.—The term ''Energy Star program'' means the program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a).

(5) HOME.—The term ''home'' means a building with not more than 4 dwelling units or a manufactured housing unit (including a unit built before June 15, 1976), that—

(A) is located in the United States;

(B) was constructed before the date of enactment of this Act;

(C) is occupied at least 6 months out of the year; and

(D) is not on a military base.

(6) HVAC SYSTEM.—The term ''HVAC system'' means a system—

(A) is certified under the Energy Star program;

(B) consisting of a heating component, a ventilation component, and an air-conditioning component; and

(C) the components of which may include central air conditioning, a heat pump, a furnace, a boiler, a rooftop unit, and a window unit.

(7) MULTIFAMILY BUILDING.—The term ''multifamily building'' means a building—

(A) with 5 or more dwelling units; and

(B) that is not on a military base.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(9) STATE ENERGY OFFICE.—The term ''State energy office'' has the meaning given the term ''State energy agency'' in section 391(10) of the Energy Policy and Conservation Act (42 U.S.C. 6371(10)).

(10) UNDERSERVED COMMUNITY.—The term ''underserved community'' means—

(A) a community located in a ZIP Code that includes 1 or more census tracts that are identified as—

(i) a low-income community; or

(ii) a community of racial or ethnic minority concentration; or

(B) any other community that the Secretary determines is disproportionately vulnerable to, or bears a disproportionate burden of, any combination of economic, social, and environmental stressors.

SEC. 30412. HIGH-EFFICIENCY ELECTRIC HOME REBATE PROGRAM.

(a) IN GENERAL.—Section 124 of the Energy Policy Act of 2005 (42 U.S.C. 15821) is amended to read as follows:

''SEC. 124. HIGH-EFFICIENCY ELECTRIC HOME REBATE PROGRAM.

''(a) APPROPRIATIONS.—

''(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

''(A) $2,226,000,000, to remain available until September 30, 2031, to provide rebates under this section;

''(B) $4,000,000, to remain available until September 30, 2031, for community and consumer education and outreach related to carrying out this section; and

''(C) $220,000,000, to remain available until September 30, 2031, to administer this section and to provide administrative and technical support to certified contractor companies, qualified providers, States, and Indian Tribes.

''(2) ADDITIONAL FUNDING FOR TRIBAL COMMUNITIES AND LOW- OR MODERATE-INCOME HOUSEHOLDS.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,800,000,000, to remain available until September 30, 2031, for—

''(A) rebates under this section relating to qualified electrification projects carried out in Tribal communities or for low- or moderate-income households; and

''(B) any necessary administrative or technical support for those qualified electrification projects.

''(b) HIGH-EFFICIENCY ELECTRIC HOME REBATES FOR QUALIFIED ELECTRIFICATION PROJECTS.—

''(1) HIGH-EFFICIENCY ELECTRIC HOME REBATES.—The Secretary shall establish a program within the Department, to be known as the 'High-Efficiency Electric Home Rebate Program', under which the Secretary shall provide to homeowners and owners of multifamily buildings high-efficiency electric home rebates, in accordance with this subsection, for qualified electrification projects carried out at, or relating to, the homes or multifamily buildings, as applicable.

''(2) AMOUNT OF REBATE.—

''(A) IN GENERAL.—Subject to subsection (c)(1)(A), a high-efficiency electric home rebate under paragraph (1) shall be equal to—

''(i) in the case of a qualified electrification project described in subsection (d)(11)(A)(i)(II) that installs a heat pump used for water heating, not more than $1,250;

''(ii) in the case of a qualified electrification project described in subsection (d)(11)(A)(i)(II) that installs a heat pump HVAC system—

''(I)(aa) not more than $3,000 if the heat pump HVAC system has a heating capacity of not less than 27,500 Btu per hour; or

''(bb) not more than $4,000 if the heat pump HVAC system meets Energy Star program cold climate criteria and is installed in a cold climate, as determined by the Secretary;

''(II)(aa) not more than $1,500 if the heat pump HVAC system has a heating capacity of less than 27,500 Btu per hour; or

''(bb) not more than $2,000 if the heat pump HVAC system meets Energy Star program cold climate criteria and is installed in a cold climate, as determined by the Secretary; and

''(III) $250, in addition to the amount described in subclause (I) or (II), if a qualified electrification project described in subsection (d)(11)(A)(i)(V) that installs insulation, air sealing, and ventilation in accordance with clause (v) is completed within 6 months before or after the qualified electrification project described in that subclause;

''(iii) in the case of a qualified electrification project described in subclause (III) or (IV) of subsection (d)(11)(A)(i), not more than $600;

''(iv) in the case of a qualified electrification project described in subsection (d)(11)(A)(i)(I) that installs an electric load or service center panel that enables the installation and use of any upgrade, appliance, system, equipment, infrastructure, component, or other item installed pursuant to any other qualified electrification project, not more than $3,000;

''(v) in the case of a qualified electrification project described in subsection (d)(11)(A)(i)(V) that installs insulation and air sealing, not more than $800; and

''(vi) in the case of any other qualified electrification project, including a qualified electrification project described in any of subclauses (I) through (III) of subsection (d)(11)(A)(ii), for which the Secretary provides a high-efficiency electric home rebate, not more than an amount determined by the Secretary for that qualified electrification project, subject to subparagraph (B).

''(B) LIMITATIONS ON AMOUNT OF REBATE.—

''(i) MAXIMUM TOTAL AMOUNT.—Subject to subsection (c)(1)(B), the maximum total amount that may be awarded as high-efficiency electric home rebates under this subsection shall be $10,000 with respect to each home for which a high-efficiency electric home rebate is provided.

''(ii) COSTS.—

''(I) IN GENERAL.—Subject to subsection (c)(1)(C), the amount of a high-efficiency electric home rebate provided to a homeowner under this subsection shall not exceed 50 percent of the total cost of the applicable qualified electrification project.

''(II) LABOR COSTS.—Subject to subsection (c)(1)(C), not more than 50 percent of the labor costs associated with a qualified electrification project may be included in the 50 percent of total costs for which a high-efficiency electric home rebate is provided under this subsection, as described in subclause (I), subject to the condition that labor costs account for not more than 50 percent of the amount of the high-efficiency electric home rebate.

''(3) LIMITATIONS ON QEPS.—

''(A) CONTRACTORS.—A high-efficiency electric home rebate may be provided for a qualified electrification project carried out by a contractor company only if that contractor company is a certified contractor company.

''(B) HEAT PUMP HVAC SYSTEMS.—A high-efficiency electric home rebate may be provided for a qualified electrification project that installs or enables the installation of a heat pump HVAC system only if the heat pump HVAC system—

''(i) replaces—

''(I) a nonelectric HVAC system;

''(II) an electric resistance HVAC system; or

''(III) an air conditioning unit that—

''(aa) does not have a reversing valve; and

''(bb) has a lower seasonal energy-efficiency ratio than the heat pump HVAC system; or

''(ii) is part of new construction, as determined by the Secretary.

''(C) HEAT PUMPS FOR WATER HEATING.—A high-efficiency electric home rebate may be provided for a qualified electrification project that installs or enables the installation of a heat pump used for water heating only if the heat pump—

''(i) replaces—

''(I) a nonelectric heat pump water heater;

''(II) a nonelectric water heater; or

''(III) an electric resistance water heater; or

''(ii) is part of new construction, as determined by the Secretary.

''(D) ELECTRIC STOVES, COOKTOPS, RANGES, AND OVENS.—A high-efficiency electric home rebate may be provided for a qualified electrification project described in subsection (d)(11)(A)(i)(III) only if the applicable electric stove, cooktop, range, or oven—

''(i) replaces a nonelectric stove, cooktop, range, or oven; or

''(ii) is part of new construction, as determined by the Secretary.

''(E) ELECTRIC HEAT PUMP CLOTHES DRYERS.—A high-efficiency electric home rebate may be

provided for a qualified electrification project described in subsection (d)(11)(A)(i)(IV) only if the applicable electric heat pump clothes dryer—

''(i) replaces a nonelectric clothes dryer; or

''(ii) is part of new construction.

''(4) ADDITIONAL INCENTIVES FOR CONTRACTORS AND QUALIFIED PROVIDERS.—

''(A) GENERAL INCENTIVE.—

''(i) IN GENERAL.—With respect to each qualified electrification project described in clause (ii), the Secretary shall provide a payment of $100 to the certified contractor company or qualified provider carrying out the qualified electrification project.

''(ii) QUALIFIED ELECTRIFICATION PROJECT DESCRIBED.—A qualified electrification project referred to in clause (i) is a qualified electrification project—

''(I) that is carried out at a home or multifamily building;

''(II) for which a rebate is provided under this subsection; and

''(III) with respect to which the certified contractor company or qualified provider is not eligible for a higher payment under any of subparagraphs (B) through (D).

''(B) INCENTIVE FOR QEPS IN CERTAIN COMMUNITIES AND HOUSEHOLDS.—

''(i) IN GENERAL.—With respect to each qualified electrification project described in clause (ii), the Secretary shall provide a payment of $200 to the certified contractor company or qualified provider carrying out the qualified electrification project.

''(ii) QUALIFIED ELECTRIFICATION PROJECT DESCRIBED.—A qualified electrification project referred to in clause (i) is a qualified electrification project—

''(I) that is carried out at a home or multifamily building that—

''(aa) is located in an underserved community or a Tribal community; or

''(bb) is certified, or the household of the homeowner of which is certified, as applicable, as low- or moderate-income;

''(II) for which a rebate is provided under this subsection; and

''(III) with respect to which the certified contractor company or qualified provider is not eligible for a higher payment under subparagraph (C) or (D).

''(C) INCENTIVE FOR CERTAIN LABOR PRACTICES.—

''(i) IN GENERAL.—With respect to each qualified electrification project described in clause (ii), the Secretary shall provide a payment of $250 to the certified contractor company or qualified provider carrying out the qualified electrification project.

''(ii) QUALIFIED ELECTRIFICATION PROJECT DESCRIBED.—A qualified electrification project referred to in clause (i) is a qualified electrification project—

''(I) that is carried out—

''(aa) at a home or multifamily building; and

''(bb) by a certified contractor company or qualified provider that allows for the use of collective bargaining agreements;

''(II) for which a rebate is provided under this subsection; and

''(III) with respect to which—

''(aa) all laborers and mechanics employed on the qualified electrification project are paid wages at rates not less than those prevailing on projects of a character similar in the locality; and

''(bb) the certified contractor company or qualified provider is not eligible for a higher payment under subparagraph (D).

''(D) MAXIMUM INCENTIVE.—

''(i) IN GENERAL.—With respect to each qualified electrification project described in clause (ii), the Secretary shall provide a payment of $500 to the certified contractor company or qualified provider carrying out the qualified electrification project.

''(ii) QUALIFIED ELECTRIFICATION PROJECT DESCRIBED.—A qualified electrification project referred to in clause (i) is a qualified electrification project—

''(I) that is carried out—

''(aa) at a home or multifamily building that—

''(AA) is located in an underserved community or a Tribal community; or

''(BB) is certified, or the household of the homeowner of which is certified, as applicable, as low- or moderate-income; and

''(bb) by a certified contractor company or qualified provider that allows for the use of collective bargaining agreements;

''(II) for which a rebate is provided under this subsection; and

''(III) with respect to which all laborers and mechanics employed on the qualified electrification project are paid wages at rates not less than those prevailing on projects of a character similar in the locality.

''(E) CLARIFICATION.—An amount provided to a certified contractor company or qualified provider under any of subparagraphs (A) through (D) shall be in addition to the amount of any high-efficiency electric home rebate received by the certified contractor company or qualified provider.

''(5) CLAIM.—

''(A) IN GENERAL.—Subject to paragraph (2)(B), a homeowner, a certified contractor company, or a qualified provider may claim a separate high-efficiency electric home rebate under this subsection for each qualified electrification project carried out at a home.

''(B) TRANSFER.—The Secretary shall establish and publish procedures pursuant to which a homeowner or owner of a multifamily building may transfer the right to claim a rebate under this subsection to the certified contractor company or qualified provider carrying out the applicable qualified electrification project.

''(6) MULTIFAMILY BUILDINGS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the owner of a multifamily building may combine the amounts of high-efficiency electric home rebates for each dwelling unit in the multifamily building into a single rebate, subject to—

''(i) the condition that the applicable qualified electrification projects benefit each dwelling unit with respect to which the rebate is claimed; and

''(ii) any maximum per-dwelling unit rate established by the Secretary.

''(B) COSTS.—

''(i) IN GENERAL.—Subject to clause (ii), the amount of a rebate under subparagraph (A) shall not exceed 50 percent of the total cost, including labor costs, of the applicable qualified electrification projects.

''(ii) LOW- OR MODERATE-INCOME BUILDINGS.—In the case of a multifamily building that is certified by the Secretary as low- or moderate-income, the amount of a rebate under subparagraph (A) shall not exceed 100 percent of the total cost of the applicable qualified electrification projects.

''(C) PROCEDURES.—The Secretary shall establish and publish procedures—

''(i) pursuant to which the owner of a multifamily building may combine rebate amounts in accordance with this subsection; and

''(ii) for the enforcement of any limitations under this subsection.

''(7) PROCESS.—

''(A) REBATE PROCESS.—Not later than July 1, 2022, the Secretary shall establish a rebate processing system that provides immediate price relief for consumers who purchase and have installed qualified electrification projects, in accordance with this section.

''(B) QUALIFIED ELECTRIFICATION PROJECT LIST.—

''(i) IN GENERAL.—Not later than July 1, 2022, the Secretary shall publish a list of qualified electrification projects for which a high-efficiency electric home rebate may be provided under this subsection that includes, at a minimum, the qualified electrification projects described in subsection (d)(11)(A).

''(ii) REQUIREMENTS.—The list published under clause (i) shall include specifications for each qualified electrification project included on the list, including—

''(I) appropriate certifications under the Energy Star program; and

''(II) other applicable requirements, such as requirements relating to grid-interactive capability.

''(iii) UPDATES.—

''(I) IN GENERAL.—Not less frequently than once every 3 years and subject to subclause (II), the Secretary shall publish an updated list of qualified electrification projects for which a high-efficiency electric home rebate may be provided under this subsection.

''(II) LIMITATION.—An updated list under subclause (I) shall not allow for any reductions in efficiency levels for qualified electrification projects included on the updated list that are below an efficiency level provided in a previously published version of the list.

''(c) SPECIAL PROVISIONS FOR LOW- AND MODERATE-INCOME HOUSEHOLDS AND MULTIFAMILY BUILDINGS.—

''(1) MAXIMUM AMOUNTS.—With respect to a qualified electrification project carried out at a location described in paragraph (2)—

''(A) a high-efficiency electric home rebate shall be equal to—

''(i) in the case of a qualified electrification project described in subsection (b)(2)(A)(i), not more than $1,750;

''(ii) in the case of a qualified electrification project described in subsection (b)(2)(A)(ii)—

''(I)(aa) not more than $6,000 if the applicable heat pump HVAC system has a heating capacity of not less than 27,500 Btu per hour; or

''(bb) not more than $7,000 if the applicable heat pump HVAC system meets Energy Star program cold climate criteria and is installed in a cold climate, as determined by the Secretary; and

''(II)(aa) not more than $3,000 if the applicable heat pump HVAC system has a heating capacity of less than 27,500 Btu per hour; or

''(bb) not more than $3,500 if the applicable heat pump HVAC system meets Energy Star program cold climate criteria and is installed in a cold climate, as determined by the Secretary;

''(iii) in the case of a qualified electrification project described in subsection (b)(2)(A)(iii), not more than $840;

''(iv) in the case of a qualified electrification project described in subsection (b)(2)(A)(iv), not more than $4,000;

''(v) in the case of a qualified electrification project described in subsection (b)(2)(A)(v) that installs insulation and air sealing, not more than $1,600; and

''(vi) in the case of a qualified electrification project described in subsection (b)(2)(A)(vi), not more than an amount determined by the Secretary for that qualified electrification project, subject to subparagraph (B);

''(B) the maximum total amount of high-efficiency electric home rebates that may be awarded with respect to each home of a homeowner shall be $14,000; and

''(C) the amount of a high-efficiency electric home rebate may be used to cover not more than 100 percent of the costs, including labor costs, of the applicable qualified electrification project.

''(2) LOCATION DESCRIBED.—The maximum amounts described in paragraph (1) shall apply to—

''(A) a home—

''(i) with respect to which the household of the homeowner is certified as low- or moderate-income;

''(ii) that is located in a Tribal community; or

''(iii) in the case of a home that is rented, with respect to which the household of the renter is certified as low- or moderate-income; or

''(B) a multifamily building—

''(i) that—

''(I) is certified as low- or moderate-income; or

''(II) is located in a Tribal community; and

''(ii) with respect to which more than more than ½ of the dwelling units in the multifamily building—

''(I) are occupied by households the annual household incomes of which do not exceed 80 percent of the median annual household income for the area in which the multifamily building is located; and

''(II) have average monthly rental prices that are equal to, or less than, an amount that is equal to 30 percent of the average monthly household income for the area in which the multifamily building is located.

''(3) REQUIREMENT.—The Secretary may provide a rebate in an amount described in paragraph (1) to the owner of a multifamily building or home (in the case of a home that is rented) that meets the requirements of this section if the owner agrees in writing to provide commensurate benefits of future savings to renters in the multifamily building or home.

''(d) DEFINITIONS.—In this section:

''(1) CERTIFIED CONTRACTOR.—The term 'certified contractor' means a contractor with a certification reflecting training, education, or other technical expertise relating to qualified electrification projects for residential buildings, as identified by the Secretary.

''(2) CERTIFIED CONTRACTOR COMPANY.—The term 'certified contractor company' means a company—

''(A) the business of which is to provide services—

''(i) to residential building owners; and

''(ii) for which a rebate may be provided pursuant to this section;

''(B) that holds the licenses and insurance required by the State in which the company provides services; and

''(C) that employs 1 or more certified contractors that perform the services for which a rebate may be provided under this section.

''(3) ELECTRIC LOAD OR SERVICE CENTER UPGRADE.—The term 'electric load or service center upgrade' means an improvement to a circuit breaker panel that enables the installation and use of—

''(A) a QEP described in any of subclauses (II) through (IV) of paragraph (9)(A)(i); or

''(B) a QEP described in any of subclauses (I) through (III) of paragraph (9)(A)(ii).

''(4) ENERGY STAR PROGRAM.—The term 'Energy Star program' means the program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a).

''(5) HEAT PUMP.—The term 'heat pump' means a heat pump used for water heating, space heating, or space cooling that—

''(A) relies solely on electricity for its source of power; and

''(B) is air-sourced, geothermal- or ground-sourced, or water-sourced.

''(6) HIGH-EFFICIENCY ELECTRIC HOME REBATE.—The term 'high-efficiency electric home rebate' means a rebate provided in accordance with subsection (b).

''(7) HOME.—The term 'home' means each of—

''(A) a building with not more than 4 dwelling units, individual condominium units, or manufactured housing units, that—

''(i) is located in a State; and

''(ii)(I) is the primary residence of—

''(aa) the owner of that building, condominium unit, or manufactured housing unit, as applicable; or

''(bb) a renter; or

''(II) is a new-construction single-family residential home; and

''(B) a unit of a multifamily building that—

''(i) is owned by an individual who is not the owner of the multifamily building;

''(ii) is located in a State; and

''(iii) is the primary residence of—

''(I) the owner of that unit; or

''(II) a renter.

''(8) HVAC.—The term 'HVAC' means heating, ventilation, and air conditioning.

''(9) LOW- OR MODERATE-INCOME.—The term 'low - or moderate -income', with respect to a household, means a household—

''(A) with an annual income that is less than 80 percent of the annual median income of the area in which the household is located, which such annual median income of the area is determined according to publicly available data; or

''(B) that is low-income as determined by the Secretary.

''(10) MULTIFAMILY BUILDING.—The term 'multifamily building' means any building—

''(A) with 5 or more dwelling units that—

''(i) are built on top of one another or side-by-side; and

''(ii) may share common facilities; and

''(B) that is not a home.

''(11) QUALIFIED ELECTRIFICATION PROJECT; QEP.—

''(A) IN GENERAL.—The terms 'qualified electrification project' and 'QEP' mean a project that, as applicable—

''(i) installs, or enables the installation and use of, in a home or multifamily building—

''(I) an electric load or service center upgrade;

''(II) an electric heat pump;

''(III) an induction or noninduction electric stove, cooktop, range, or oven;

''(IV) an electric heat pump clothes dryer; or

''(V) insulation, air sealing, and ventilation, in accordance with requirements established by the Secretary; or

''(ii) installs, or enables the installation and use of, in a home or multifamily building described in subparagraph (B)—

''(I) a solar photovoltaic system, including any electrical equipment, wiring, or other components necessary for the installation and use of the solar photovoltaic system, including a battery storage system;

''(II) electric vehicle charging infrastructure or electric vehicle support equipment necessary to recharge an electric vehicle on-site; or

''(III) electrical rewiring, power sharing plugs, or other installation tasks directly related to and necessary for the safe and effective functioning of a QEP in a home or multifamily building.

''(B) HOME OR MULTIFAMILY BUILDING DESCRIBED.—A home or multifamily building referred to in subparagraph (A)(ii) is a home or multifamily building that is certified, or the household of the homeowner of which is certified, as applicable, as low- or moderate-income.

''(C) EXCLUSIONS.—The terms 'qualified electrification project' and 'QEP' do not include any project with respect to which the appliance, system, equipment, infrastructure, component, or other item described in clause (i) or (ii) of subparagraph (A) is not certified under the Energy Star program if, as of the date on which the project is carried out, the item is of a category for which a certification is provided under that program.

''(12) QUALIFIED PROVIDER.—The term 'qualified provider' means an electric utility, Tribal-owned entity or Tribally Designated Housing Entity (TDHE), or commercial, nonprofit, or government entity, including a retailer and a certified contractor company, that provides services for which a rebate may be provided pursuant to this section for 1 or more portfolios that consist of 1 or more qualified electrification projects.

''(13) SOLAR PHOTOVOLTAIC SYSTEM.—The term 'solar photovoltaic system' means a system—

''(A) placed on-site at a home or multifamily building, or as part of the community of the home or multifamily building; and

''(B) that generates electricity from the sun specifically for the home, multifamily building, or community.

''(14) STATE.—The term 'State' means a State, the District of Columbia, or any territory or possession of the United States.

''(15) TRIBAL COMMUNITY.—The term 'Tribal community' means a Tribal tract or Tribal block group.

''(16) UNDERSERVED COMMUNITY.—The term 'underserved community' means a community located in a census tract that is identified by the Secretary as—

''(A) a low- or moderate-income community; or

''(B) a community of racial or ethnic minority concentration.''.

(b) CONFORMING AMENDMENTS.—

(1) The table of contents for the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594) is amended by striking the item relating to section 124 and inserting the following:

''Sec. 124. High-Efficiency Electric Home Rebate Program.''.

(2) Section 3201(c)(2)(A)(i) of the Energy Act of 2020 (42 U.S.C. 17232(c)(2)(A)(i)) is amended by striking ''(a)'' each place it appears.

PART 2—BUILDING EFFICIENCY AND RESILIENCE

SEC. 30421. CRITICAL FACILITY MODERNIZATION.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available through September 30, 2031, to provide financial assistance to States to develop and implement State programs described in subsection (d)(5) of section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322), as part of an approved State energy conservation plan under that section, to be distributed to States in accordance with the formula for the State Energy Program established in part 420 of title 10, Code of Federal Regulations (as in effect on January 1, 2021), to carry out projects to improve the energy resilience of public or nonprofit buildings, including projects to increase the energy efficiency and grid integration of public or nonprofit buildings or the renewable energy used at public or nonprofit buildings.

(b) USE OF FUNDS.—

(1) GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue guidelines for measures for States to include in any program with respect to which a State receives financial assistance under this section.

(2) ADMINISTRATIVE EXPENSES.—A State receiving financial assistance under this section shall use not more than 10 percent for administrative purposes.

(3) NO MATCHING FUNDS REQUIREMENT.—The Secretary may not require a State receiving financial assistance under this section to provide matching funds.

(4) EXEMPTION.—Activities carried out using funds appropriated under subsection (a) shall not be subject to the expenditure prohibitions and limitations of the State Energy Program under section 420.18 of title 10, Code of Federal Regulations.

(c) DEFINITIONS.—In this section:

(1) ENERGY RESILIENCE.—The term ''energy resilience'' means the ability to withstand and quickly recover from an energy supply disruption.

(2) PUBLIC OR NONPROFIT BUILDING.—The term ''public or nonprofit building'' means a public or nonprofit building described in section 362(d)(5)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)(5)(B)).

(3) STATE.—The term ''State'' has the meaning given the term in section 3 of the Energy Policy and Conservation Act (42 U.S.C. 6202).

SEC. 30422. ASSISTANCE FOR LATEST AND ZERO BUILDING ENERGY CODE ADOPTION.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $100,000,000, to remain available until September 30, 2031, to carry out activities under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326) in accordance with subsection (b); and

(2) $200,000,000, to remain available until September 30, 2031, to carry out activities under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326) in accordance with subsection (c).

(b) LATEST BUILDING ENERGY CODE.—The Secretary of Energy shall use funds made available under subsection (a)(1) for grants to assist States, and units of local government that have authority to adopt building codes, to—

(1) adopt—

(A) a building energy code (or codes) for residential buildings that meets or exceeds the 2021 International Energy Conservation Code, or achieves equivalent or greater energy savings;

(B) a building energy code (or codes) for commercial buildings that meets or exceeds the ANSI/ASHRAE/IES Standard 90.1–2019, or achieves equivalent or greater energy savings; or

(C) any combination of building energy codes described in subparagraph (A) or (B); and

(2) implement a plan for the jurisdiction to achieve full compliance with any building energy code adopted under paragraph (1) in new and renovated residential or commercial buildings, as applicable, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

(c) ZERO ENERGY CODE.—The Secretary of Energy shall use funds made available under subsection (a)(2) for grants to assist States, and units of local government that have authority to adopt building codes, to—

(1) adopt a building energy code (or codes) for residential and commercial buildings that meets or exceeds the zero energy provisions in the 2021 International Energy Conservation Code or an equivalent stretch code; and

(2) implement a plan for the jurisdiction to achieve full compliance with any building energy code adopted under paragraph (1) in new and renovated residential and commercial buildings, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

(d) STATE MATCH.—The State cost share requirement under the item relating to ''Department of Energy—Energy Conservation'' in title II of the Department of the Interior and Related Agencies Appropriations Act, 1985 (42 U.S.C. 6323a; 98 Stat. 1861) shall not apply to assistance provided under this section.

(e) STATE DEFINED.—In this section, the term ''State'' has the meaning given that term in section 3 of the Energy Policy and Conservation Act (42 U.S.C. 6202).

(f) ADMINISTRATIVE COSTS.—Of the amounts made available under this section, the Secretary shall reserve 5 percent for administrative costs necessary to carry out this section.

PART 3—ZERO-EMISSIONS VEHICLE INFRASTRUCTURE

SEC. 30431. ZERO-EMISSIONS VEHICLE INFRASTRUCTURE GRANTS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available through September 30, 2028, to be distributed to States in accordance with the formula for the State Energy Program established in part 420 of title 10, Code of Federal Regulations (as in effect on January 1, 2021)—

(1) $600,000,000 to carry out a program to provide financial assistance to States to develop and implement State programs described in subsection (d)(5) of section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322), as part of an approved State energy conservation plan under that section, to carry out projects to build out publicly accessible level 2 electric vehicle supply equipment in rural communities or underserved or disadvantaged communities;

(2) $200,000,000 to carry out a program to provide financial assistance to States to develop and implement State programs described in subsection (d)(5) of section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322), as part of an approved State energy conservation plan under that section, to carry out projects to build out publicly accessible networked direct current fast charge electric vehicle supply equipment in rural communities or underserved or disadvantaged communities; and

(3) $200,000,000 to carry out a program to provide financial assistance to States to develop and implement State programs described in subsection (d)(5) of section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322), as part of an approved State energy conservation plan under that section, to carry out projects to build out hydrogen fueling stations in rural communities or underserved or disadvantaged communities.

(b) REQUIREMENTS.—

(1) MEASURES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish requirements for measures to be included in any program with respect to which a State receives financial assistance under this section.

(2) ADMINISTRATIVE EXPENSES.—A State receiving financial assistance under this section shall use not more than 5 percent for administrative purposes.

(3) NO MATCHING FUNDS REQUIREMENT.—The Secretary may not require a State receiving financial assistance under this section to provide matching funds.

(4) ELIGIBLE ENTITIES.—Financial assistance provided by a State using funds made available under this section shall only be available to eligible entities.

(5) THIRD-PARTY CONTRACTS.—A State or eligible entity may enter into a contract with a private third-party entity for the build out of electric vehicle supply equipment or hydrogen fueling stations under subsection (a).

(6) USE OF PRIVATE PROPERTY.—A State or eligible entity may enter into an agreement for the use of publicly accessible private property.

(7) LIMITATION.—The Secretary shall ensure that no entity receives a profit for access to or hosting of electric vehicle supply equipment or hydrogen fueling stations built out under a contract entered into under paragraph (5) or pursuant to an agreement entered into under paragraph (6), except that the Secretary shall determine an appropriate amount of profit that an entity may receive for the sale of electricity or hydrogen and the operation and maintenance of such electric vehicle supply equipment or hydrogen fueling stations.

(8) REALLOCATION OF FUNDS.—A State shall return to the Secretary any funds received under subsection (a) that the State does not award within 3 years of receiving such funds, and the Secretary shall reallocate such funds to other States.

(c) DEFINITIONS.—In this section:

(1) ELECTRIC VEHICLE SUPPLY EQUIPMENT.—The term ''electric vehicle supply equipment'' means any conductors, including ungrounded, grounded, and equipment grounding conductors, electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, electrical equipment, stationary energy storage systems, off-grid charging installations, or apparatuses installed specifically for the purpose of delivering energy to an electric vehicle or to a battery intended to be used in an electric vehicle.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means a local, Tribal, or territorial government, a not-for-profit entity, a nonprofit entity, a metropolitan planning organization, or an entity with fewer than 50 employees, as determined by the Secretary.

(3) LEVEL 2 ELECTRIC VEHICLE SUPPLY EQUIPMENT.—The term ''level 2 electric vehicle supply equipment'' means electric vehicle supply equipment that provides an alternating current power source at a minimum of 208 volts.

(4) NETWORKED DIRECT CURRENT FAST CHARGE ELECTRIC VEHICLE SUPPLY EQUIPMENT.—The term ''networked direct current fast charge electric vehicle supply equipment'' means electric vehicle supply equipment that is capable of providing a direct current power source at a minimum of 50 kilowatts and is enabled to connect to a network to facilitate at least data collection and access.

(5) PRIVATE THIRD-PARTY ENTITY.—The term ''private third-party entity'' means a non-governmental entity, including a private business, that is able to contract with the State or an eligible entity to carry out projects to build out electric vehicle supply equipment or hydrogen fueling stations.

(6) PUBLICLY ACCESSIBLE.—The term ''publicly accessible'' means available to members of the public, including within or around—

(A) multiunit housing structures;

(B) workplaces;

(C) commercial locations that are accessible for a minimum of 12 hours per day at least 5 days a week, and capable of being monitored remotely; or

(D) other locations that are accessible for a minimum of 12 hours per day at least 5 days a week, and capable of being monitored remotely.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(8) UNDERSERVED OR DISADVANTAGED COMMUNITY.—The term ''underserved or disadvantaged community'' means a community or geographic area that is identified by the Secretary as—

(A) a low-income community;

(B) a Tribal community;

(C) having a disproportionately low number of electric vehicle charging stations per capita, compared to similar areas; or

(D) disproportionately vulnerable to, or bearing a disproportionate burden of, any combination of economic, social, environmental, or climate stressors.

PART 4—DOE LOAN AND GRANT PROGRAMS

SEC. 30441. FUNDING FOR DEPARTMENT OF ENERGY LOAN PROGRAMS OFFICE.

(a) COMMITMENT AUTHORITY.—In addition to commitment authority otherwise available and previously provided, the Secretary of Energy may make commitments to guarantee loans for eligible projects under section 1703 of the Energy Policy Act of 2005 up to a total principal amount of $40,000,000,000, to remain available until September 30, 2026: Provided, That for amounts collected pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, the source of such payment received from borrowers may not be a loan or other debt obligation that is guaranteed by the Federal Government: Provided further, That none of the loan guarantee authority made available by this section shall be available for any project unless the President has certified in advance in writing that the loan guarantee and the project comply with the provisions under this section: Provided further, That none of such loan guarantee authority made available by this section shall be available for commitments to guarantee loans for any projects where funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel, or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangements, to support the project or to obtain goods or services from the project: Provided further, That the previous proviso shall not be interpreted as precluding the use of the loan guarantee authority provided by this section for commitments to guarantee loans for—

(1) projects as a result of such projects benefitting from otherwise allowable Federal tax benefits;

(2) projects as a result of such projects benefitting from being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is—

(A) paid exclusively in cash;

(B) deposited in the Treasury as offsetting receipts; and

(C) equal to the fair market value;

(3) projects as a result of such projects benefitting from the Federal insurance program under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210); or

(4) electric generation projects using transmission facilities owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that have been authorized, approved, and financed independent of the project receiving the guarantee.

(b) APPROPRIATION.—In addition to amounts otherwise available and previously provided, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,600,000,000, to remain available until September 30, 2026, for the costs of guarantees made under section 1703 of the Energy Policy Act of 2005, using the loan guarantee authority provided under subsection (a) of this section.

(c) ADMINISTRATIVE EXPENSES.—Of the amount made available under subsection (b), the Secretary of Energy shall reserve 3 percent for administrative expenses to carry out title XVII of the Energy Policy Act of 2005 and for carrying out section 1702(h)(3) of such Act.

SEC. 30442. ADVANCED TECHNOLOGY VEHICLE MANUFACTURING.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000,000, to remain available until September 30, 2028, for the costs of—

(1) providing direct loans under section 136(d) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(d)); and

(2) providing direct loans, in accordance with section 136 of such Act, for reequipping, expanding, or establishing a manufacturing facility in the United States to produce, or for engineering integration performed in the United States of—

(A) a medium duty vehicle or a heavy duty vehicle; or

(B) any of the following that emit, under any possible operational mode or condition, zero exhaust emissions of any greenhouse gas:

(i) A train or locomotive.

(ii) A maritime vessel.

(iii) An aircraft.

(iv) Hyperloop technology.

(b) ADMINISTRATIVE COSTS.—The Secretary shall reserve $25,000,000 of amounts made available under subsection (a) for administrative costs of providing loans as described in subsection (a).

(c) ELIMINATION OF LOAN PROGRAM CAP.—Section 136(d)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(d)(1)) is amended by striking ''a total of not more than $25,000,000,000 in''.

SEC. 30443. DOMESTIC MANUFACTURING CONVERSION GRANTS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,500,000,000, to remain available until expended, for grants relating to domestic production of plug-in electric hybrid, plug-in electric drive, and hydrogen fuel cell electric vehicles, in accordance with section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16062).

(b) ADMINISTRATIVE COSTS.—The Secretary shall reserve 3 percent of amounts made available under subsection (a) for administrative costs of making grants described in such subsection (a) pursuant to section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16062).

SEC. 30444. ENERGY COMMUNITY REINVESTMENT FINANCING.

Title XVII of the Energy Policy Act of 2005 is amended by inserting after section 1705 (42 U.S.C. 16516) the following:

''SEC. 1706. ENERGY COMMUNITY REINVESTMENT FINANCING PROGRAM.

''(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000,000, to remain available until September 30, 2026, for the cost of providing financial support under this section, the gross principal amount of which shall not exceed $250,000,000,000.

''(b) ESTABLISHMENT.—Notwithstanding section 1702(f) and section 1703, and not later than 180 days after the date of enactment of this section, the Secretary shall establish a program to provide financial support, in such form and on such terms and conditions as the Secretary determines appropriate, to eligible entities for the purpose of making or enabling low-carbon reinvestments in energy communities, which such reinvestments may include—

''(1) supporting workers who are or have been engaged in providing, or have been affected by the provision of, energy-intensive goods or services by helping such workers find employment opportunities, including by providing training and education;

''(2) redeveloping a community that is or was engaged in providing, or has been affected by the provision of, energy-intensive goods or services;

''(3) accelerating remediation of environmental damage caused by the provision of energy-intensive goods or services; and

''(4) mitigating the effects on customers of any significant reduction in the carbon intensity of goods or services provided by the eligible entity, including by the cost-effective abatement of greenhouse gas emissions from continuing operations and the repowering, retooling, repurposing, redeveloping, or remediating of any long-lived assets, lands, or infrastructure currently or previously used by the eligible entity primarily to support the provision of energy-intensive goods or services.

''(c) APPLICATION REQUIREMENT.—To apply for financial support provided under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, which such application shall include—

''(1) a detailed plan describing the activities to be carried out in accordance with subsection (b), including activities for the measurement, monitoring, and verification of emissions of greenhouse gases; and

''(2) if the eligible entity is a utility subject to regulation by a State commission or other State regulatory authority, assurances, as determined appropriate by the Secretary, that such eligible entity shall pass through any financial benefit from the provision of any financial support under this section to its customers or energy communities.

''(d) OTHER REQUIREMENTS.—

''(1) FEES.—Notwithstanding section 1702(h)(1), the Secretary shall charge and collect a fee from each eligible entity that received financial support provided under this section in an amount the Secretary determines sufficient to cover applicable administrative expenses (including any costs associated with third party consultants engaged by the Secretary).

''(2) SPECIFIC APPROPRIATION OR CONTRIBUTION.—Any cost for any financial support provided under this section shall be paid in accordance with subsection (b) of section 1702 (for purposes of which any reference in such subsection to a guarantee shall be considered to be a reference to financial support).

''(e) DEFINITIONS.—In this section:

''(1) COST.—Notwithstanding section 1701, the term 'cost' has the meaning given such term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means any entity that is directly affiliated with the provision of energy-intensive goods or services.

''(3) ENERGY COMMUNITY.—The term 'energy community' means a community whose members are or were engaged in providing, or have been affected by the provision of, energy-intensive goods and services.

''(4) FINANCIAL SUPPORT.—The term 'financial support' means any credit product or support the Secretary determines appropriate to implement this section, including—

''(A) a line of credit; and

''(B) a guarantee, including of a letter of credit for the purposes of subsection (b)(3).''.

SEC. 30445. TRIBAL ENERGY LOAN GUARANTEE PROGRAM.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available until September 30, 2028, to carry out section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)).

(b) INCLUSIONS IN TITLE XVII DEFINITION OF GUARANTEE.—Section 1701(4)(B) of the Energy Policy Act of 2005 (42 U.S.C. 16511(4)(B)) is amended by striking the period at the end and inserting ''and, for purposes of minimizing financing costs, includes a guarantee by the Secretary of 100 percent of the unpaid principal and interest due on any obligation to the Federal Financing Bank.''.

(c) DEPARTMENT OF ENERGY TRIBAL ENERGY LOAN GUARANTEE PROGRAM.— Section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)) is amended—

(1) in paragraph (1), by striking ''(as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) for an amount equal to not more than 90 percent of'' and inserting ''(as defined in section 1701 of the Energy Policy Act of 2005 (42 U.S.C. 16511)) for''; and

(2) in paragraph (4), by striking ''$2,000,000,000'' and inserting ''$20,000,000,000''.

PART 5—ELECTRIC TRANSMISSION

SEC. 30451. TRANSMISSION LINE AND INTERTIE INCENTIVES.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2030, $1,500,000,000 for purposes of providing grants under subsection (b) and for administrative expenses associated with carrying out this section, and $500,000,000 for the costs of providing direct loans under subsection (b): Provided, That the Secretary shall not enter into any loan agreement pursuant to this section that could result in disbursements after September 30, 2031, or any grant agreement pursuant to this section that could result in any outlays after September 30, 2031: Provided further, That none of such loan authority made available by this section shall be available for loans for any projects where funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel, or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangements to support the project or to obtain goods or services from the project: Provided further, That the previous proviso shall not be interpreted as precluding the use of the loan authority provided by this section for commitments to loans for: (1) projects benefitting from otherwise allowable Federal tax benefits; (2) projects benefitting from being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is: (A) paid exclusively in cash; (B) deposited in the Treasury as offsetting receipts; and (C) equal to the fair market value; (3) projects benefitting from the Federal insurance program under section 170 of the Atomic

Energy Act of 1954 (42 U.S.C. 2210); or (4) electric generation projects using transmission facilities owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that have been authorized, approved, and financed independent of the project receiving the guarantee: Provided further, That none of the loan authority made available by this section shall be available for any project unless the President has certified in advance in writing that the loan and the project comply with the provisions under this section.

(b) IN GENERAL.—Except as provided in subsection (c), the Secretary of Energy may provide grants and direct loans to eligible entities to construct new, or make upgrades to existing, eligible transmission lines or eligible interties, including the related facilities thereof, if the Secretary of Energy determines that such construction or upgrade would support—

(1) a more robust and resilient electric grid; and

(2) the integration of electricity from a clean energy facility into the electric grid.

(c) OTHER REQUIREMENTS.—

(1) INTEREST RATES.—The Secretary of Energy shall determine the rate of interest to charge on direct loans provided under subsection (b) by taking into consideration market yields on outstanding marketable obligations of the United States of comparable maturities as of the date the loan is disbursed.

(2) RECOVERY OF COSTS FOR GRANTS.—A grant provided under this section may not be used to cover the portion of costs for the construction of new, or for making upgrades to existing, eligible transmission lines or eligible interties, including the related facilities thereof, that are approved for recovery through a Transmission Organization, regional planning authority, governing or ratemaking body of an electric cooperative, State commission, or another similar body.

(3) NO DUPLICATE ASSISTANCE.—No eligible entity may receive both a grant and a direct loan for the same construction of, or upgrade to, an eligible transmission line or eligible intertie under this section.

(d) DEFINITIONS.—In this section:

(1) CLEAN ENERGY FACILITY.—The term ''clean energy facility'' means any electric generating unit that does not emit carbon dioxide.

(2) DIRECT LOAN.—The term ''direct loan'' means a disbursement of funds by the Government to a non-Federal borrower under a contract that requires the repayment of such funds with or without interest. The term includes the purchase of, or participation in, a loan made by another lender and financing arrangements that defer payment for more than 90 days, including the sale of a government asset on credit terms.

(3) ELIGIBLE ENTITY.—The term ''eligible entity'' means a non-Federal entity.

(4) ELIGIBLE INTERTIE.—The term ''eligible intertie'' means—

(A) any interties across the seam between the Western Interconnection and the Eastern Interconnection;

(B) the Pacific Northwest-Pacific Southwest Intertie;

(C) any interties between the Electric Reliability Council of Texas and the Western Interconnection or the Eastern Interconnection; or

(D) such other interties that the Secretary determines contribute to—

(i) a more robust and resilient electric grid; and

(ii) the integration of electricity from a clean energy facility into the electric grid.

(5) ELIGIBLE TRANSMISSION LINE.—The term ''eligible transmission line'' means an electric power transmission line that—

(A) in the case of new construction under subsection (b), has a transmitting capacity of not less than 1,000 megawatts;

(B) in the case of an upgrade made under subsection (b), the upgrade to which will increase its transmitting capacity by not less than 500 megawatts; and

(C) is capable of transmitting electricity—

(i) across any eligible intertie;

(ii) from an offshore wind generating facility; or

(iii) along a route, or in a corridor, determined by the Secretary of Energy to be necessary to meet interregional or national electricity transmission needs.

(6) STATE COMMISSION; TRANSMISSION ORGANIZATION.—The terms ''State commission'' and ''Transmission Organization'' have the meanings given such terms in section 3 of the Federal Power Act (16 U.S.C. 796).

SEC. 30452. GRANTS TO FACILITATE THE SITING OF INTERSTATE ELECTRICITY TRANSMISSION LINES.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $800,000,000, to remain available until September 30, 2029, for making grants in accordance with this section and for administrative expenses associated with carrying out this section.

(b) USE OF FUNDS.—

(1) IN GENERAL.—The Secretary may make a grant under this section to a siting authority for, with respect to a covered transmission project, any of the following activities:

(A) Studies and analyses of the impacts of the covered transmission project.

(B) Examination of up to 3 alternate siting corridors within which the covered transmission project feasibly could be sited.

(C) Hosting and facilitation of negotiations in settlement meetings involving the siting authority, the covered transmission project applicant, and opponents of the covered transmission project, for the purpose of identifying and addressing issues that are preventing approval of the application relating to the siting or permitting of the covered transmission project.

(D) Participation by the siting authority in regulatory proceedings or negotiations in another jurisdiction, or under the auspices of a Transmission Organization (as defined in section 3 of the Federal Power Act (16 U.S.C. 796)) that is also considering the siting or permitting of the covered transmission project.

(E) Participation by the siting authority in regulatory proceedings at the Federal Energy Regulatory Commission or a State regulatory commission for determining applicable rates and cost allocation for the covered transmission project.

(F) Other measures and actions that may improve the chances of, and shorten the time required for, approval by the siting authority of the application relating to the siting or permitting of the covered transmission project, as the Secretary determines appropriate.

(2) ECONOMIC DEVELOPMENT.—The Secretary may make a grant under this section to a siting authority, or other State, local, or Tribal governmental entity, for economic development activities for communities that may be affected by the construction and operation of a covered transmission project, provided that the Secretary shall not enter into any grant agreement pursuant to this section that could result in any outlays after September 30, 2031.

(c) CONDITIONS.—

(1) FINAL DECISION ON APPLICATION.—In order to receive a grant for an activity described in subsection (b)(1), the Secretary shall require a siting authority to agree, in writing, to reach a final decision on the application relating to the siting or permitting of the applicable covered transmission project not later than 2 years after the date on which such grant is provided, unless the Secretary authorizes an extension for good cause.

(2) FEDERAL SHARE.—The Federal share of the cost of an activity described in subparagraph (D) or (E) of subsection (b)(1) shall not exceed 50 percent.

(3) ECONOMIC DEVELOPMENT.—The Secretary may only disburse grant funds for economic development activities under subsection (b)(2)—

(A) to a siting authority upon approval by the siting authority of the applicable covered transmission project; and

(B) to any other State, local, or Tribal governmental entity upon commencement of construction of the applicable covered transmission project in the area under the jurisdiction of the entity.

(d) RETURNING FUNDS.—If a siting authority that receives a grant for an activity described in subsection (b)(1) fails to use all grant funds within 2 years of receipt, the siting authority shall return to the Secretary any such unused funds.

(e) DEFINITIONS.—In this section:

(1) COVERED TRANSMISSION PROJECT.—The term ''covered transmission project'' means a high-voltage interstate or offshore electricity transmission line—

(A) that is proposed to be constructed and to operate at a minimum of 275 kilovolts of either alternating-current or direct-current electric energy by an entity; and

(B) for which such entity has applied, or informed a siting authority of such entity's intent to apply, for regulatory approval.

(2) SITING AUTHORITY.—The term ''siting authority'' means a State, local, or Tribal governmental entity with authority to make a final determination regarding the siting, permitting, or regulatory status of a covered transmission project that is proposed to be located in an area under the jurisdiction of the entity.

(3) STATE.—The term ''State'' means a State, the District of Columbia, or any territory or possession of the United States.

SEC. 30453. ORGANIZED WHOLESALE ELECTRICITY MARKET TECHNICAL ASSISTANCE GRANTS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $40,000,000, to remain available until fiscal year 2031, for purposes of carrying out a program to provide—

(1) technical assistance and grants to States to evaluate forming, participating in, expanding, or improving organized wholesale electricity markets; and

(2) grants to States to procure data or technology systems related to forming, participating in, expanding, or improving organized wholesale electricity markets.

(b) APPLICATIONS.—To apply for technical assistance or a grant provided under this section, a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) DEFINITIONS.—In this section:

(1) INDEPENDENT SYSTEM OPERATOR; REGIONAL TRANSMISSION ORGANIZATION.—The terms ''Independent System Operator'' and ''Regional Transmission Organization'' have the meanings given such terms in section 3 of the Federal Power Act (16 U.S.C. 796).

(2) ORGANIZED WHOLESALE ELECTRICITY MARKET.—The term ''organized wholesale electricity market'' means an Independent System Operator or a Regional Transmission Organization.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(4) STATE.—The term ''State'' means a State or the District of Columbia.

SEC. 30454. INTERREGIONAL AND OFFSHORE WIND ELECTRICITY TRANSMISSION PLANNING, MODELING, AND ANALYSIS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2031, to carry out this section.

(b) USE OF FUNDS.—The Secretary of Energy shall use amounts made available under subsection (a) to—

(1) pay expenses associated with convening relevant stakeholders, including States, generation and transmission developers, regional transmission organizations, independent system operators, environmental organizations, electric utilities, and other stakeholders the Secretary determines appropriate, to address the development of interregional electricity transmission and transmission of electricity that is generated by offshore wind; and

(2) conduct planning, modeling, and analysis regarding interregional electricity transmission and transmission of electricity that is generated by offshore wind, taking into account the local, regional, and national economic, reliability, resilience, security, public policy, and environmental benefits of interregional electricity transmission and transmission of electricity that is generated by offshore wind, including planning, modeling, and analysis, as the Secretary determines appropriate, pertaining to—

(A) clean energy integration into the electric grid, including the identification of renewable energy zones;

(B) the effects of changes in weather due to climate change on the reliability and resilience of the electric grid;

(C) cost allocation methodologies that facilitate the expansion of the bulk power system;

(D) the benefits of coordination between generator interconnection processes and transmission planning processes;

(E) the effect of increased electrification on the electric grid;

(F) power flow modeling;

(G) the benefits of increased interconnections or interties between or among the Western Interconnection, the Eastern Interconnection, the Electric Reliability Council of Texas, and other interconnections, as applicable;

(H) the cooptimization of transmission and generation, including variable energy resources, energy storage, and demand-side management;

(I) the opportunities for use of nontransmission alternatives, energy storage, and grid-enhancing technologies;

(J) economic development opportunities for communities arising from development of interregional electricity transmission and transmission of electricity that is generated by offshore wind;

(K) evaluation of existing rights-of-way and the need for additional transmission corridors; and

(L) a planned national transmission grid, which would include a networked transmission system to optimize the existing grid for interconnection of offshore wind farms.

PART 6—ENVIRONMENTAL REVIEWS

SEC. 30461. DEPARTMENT OF ENERGY.

In addition to amounts otherwise available, there is appropriated to the Department of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $125,000,000, to remain available until September 30, 2031, to provide for the development of more efficient, accurate, and timely reviews for planning, permitting, and approval processes through the hiring and training of personnel, the development of programmatic documents, the procurement of technical or scientific services for reviews, the development of data or information systems, stakeholder and community engagement, the purchase of new equipment for analysis, and the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

SEC. 30462. FEDERAL ENERGY REGULATORY COMMISSION.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Federal Energy Regulatory Commission for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $75,000,000, to remain available until September 30, 2031, to provide for the development of more efficient, accurate, and timely reviews for planning, permitting, and approval processes through the hiring and training of personnel, the development of programmatic documents, the procurement of technical or scientific services for reviews, the development of data or information systems, stakeholder and community engagement, the purchase of new equipment for analysis, and the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

(b) FEES AND CHARGES.—Section 3401(a) of the Omnibus Budget Reconciliation Act of 1986 (42 U.S.C. 7178(a)) shall not apply to the costs incurred by the Federal Energy Regulatory Commission in carrying out this section.

PART 7—INDUSTRIAL

SEC. 30471. ADVANCED INDUSTRIAL FACILITIES DEPLOYMENT PROGRAM.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,000,000,000, to remain available until September 30, 2026, to carry out this section.

(b) PROGRAM.—The Secretary shall use funds appropriated by subsection (a) to establish a program to provide financial assistance, on a competitive basis, to eligible entities to carry out projects for—

(1) the purchase and installation, or implementation, of advanced industrial technology at an eligible facility;

(2) retrofits, upgrades to, or operational improvements at an eligible facility to install or implement advanced industrial technology; or

(3) engineering studies and other work needed to prepare an eligible facility for activities described in paragraph (1) or (2).

(c) APPLICATION.—To be eligible to receive financial assistance under the program established under subsection (b), an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including the expected greenhouse gas emissions reductions to be achieved by carrying out the project.

(d) PRIORITY.—In providing financial assistance under the program established under subsection (b), the Secretary shall give priority consideration to projects on the basis of, as determined by the Secretary—

(1) the expected greenhouse gas emissions reductions to be achieved by carrying out the project;

(2) the extent to which the project would provide the greatest benefit for the greatest number of people within the area in which the eligible facility is located; and

(3) whether the eligible entity participates or would participate in a partnership with purchasers of the output of the eligible facility.

(e) COST SHARE.—The Secretary may require an eligible entity to provide not more than 50 percent of the cost of a project carried out pursuant to this section.

(f) ADMINISTRATIVE COSTS.—The Secretary shall reserve $200,000,000 of amounts made available under subsection (a) for administrative costs of carrying out this section.

(g) DEFINITIONS.—

(1) ADVANCED INDUSTRIAL TECHNOLOGY.—The term ''advanced industrial technology'' means technology or processes designed to accelerate greenhouse gas emissions reduction progress to net-zero at an eligible facility, as determined by the Secretary, including—

(A) industrial energy efficiency technologies;

(B) equipment to electrify industrial processes;

(C) equipment to utilize low- or zero-carbon fuels, feedstocks, and energy sources;

(D) low- or zero-carbon process heat systems; and

(E) carbon capture, transport, utilization, and storage systems.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means the owner or operator of an eligible facility.

(3) ELIGIBLE FACILITY.—The term ''eligible facility'' means a domestic, non-Federal, nonpower industrial or manufacturing facility engaged in energy-intensive industrial processes, including production processes for iron, steel, steel mill products, aluminum, cement, concrete, glass, pulp, paper, and industrial ceramics.

(4) FINANCIAL ASSISTANCE.—The term ''financial assistance'' means a grant, rebate, or cooperative agreement.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

PART 8—OTHER ENERGY MATTERS

SEC. 30481. OVERSIGHT.

In addition to amounts otherwise available, there is appropriated to the Department of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, for oversight by the Department of Energy Office of Inspector General of the Department of Energy activities for which funding is appropriated in this subtitle.

SEC. 30482. ENERGY INFORMATION ADMINISTRATION.

In addition to amounts otherwise available, there is appropriated to the Administrator of the Energy Information Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $40,000,000, to remain available until September 30, 2031, for data collection, research, and analysis activities.

Subtitle E—Affordable Health Care Coverage

SEC. 30601. ENSURING AFFORDABILITY OF COVERAGE FOR CERTAIN LOW-INCOME POPULATIONS.

(a) REDUCING COST SHARING UNDER QUALIFIED HEALTH PLANS.—Section 1402 of the Patient Protection and Affordable Care Act (42 U.S.C. 18071) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by inserting ''(or, with respect to plan years 2023, 2024, and 2025, whose household income does not exceed 400 percent of the poverty line for a family of the size involved)'' before the period; and

(B) in the matter following paragraph (2), by adding at the end the following new sentence: ''In the case of an individual who is determined at any point to have a household income for 2022 that does not exceed 138 percent of the poverty line for a family of the size involved, such individual shall, for each month during such year, be treated as having a household income equal to 100 percent for purposes of applying this section.''; and

(2) in subsection (c)—

(A) in paragraph (1)(A), in the matter preceding clause (i), by inserting '', with respect to eligible insureds (other than, with respect to plan years 2023, 2024, and 2025, specified enrollees (as defined in paragraph (6)(C)))'' after ''first be achieved'';

(B) in paragraph (2), in the matter preceding subparagraph (A), by inserting ''with respect to eligible insureds (other than, with respect to plan years 2023, 2024, and 2025, specified enrollees)'' after ''under the plan'';

(C) in paragraph (3)—

(i) in subparagraph (A), by striking ''this subsection'' and inserting ''paragraph (1) or (2)''; and

(ii) in subparagraph (B), by striking ''this section'' and inserting ''paragraphs (1) and (2)''; and

(D) by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR SPECIFIED ENROLLEES.—

''(A) IN GENERAL.—The Secretary shall establish procedures under which the issuer of a qualified health plan to which this section applies shall reduce cost-sharing under the plan

with respect to months occurring during plan years 2023, 2024, and 2025 for enrollees who are specified enrollees (as defined in subparagraph (C)) in a manner sufficient to increase the plan's share of the total allowed costs of benefits provided under the plan to 99 percent of such costs.

''(B) METHODS FOR REDUCING COST SHARING.—''(i) IN GENERAL.—An issuer of a qualified health plan making reductions under this paragraph shall notify the Secretary of such reductions and the Secretary shall, out of funds made available under clause (ii), make periodic and timely payments to the issuer equal to 12 percent of the total allowed costs of benefits provided under each such plan to specified enrollees during plan years 2023, 2024, and 2025.

''(ii) APPROPRIATION.—In addition to amounts otherwise available, there are appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to the Secretary to make payments under clause (i).

''(C) SPECIFIED ENROLLEE DEFINED.—For purposes of this section, the term 'specified enrollee' means, with respect to a plan year, an eligible insured who is determined at any point to have a household income for such plan year that does not exceed 138 percent of the poverty line for a family of the size involved. Such insured shall be deemed to be a specified enrollee for each month in such plan year.''.

(b) OPEN ENROLLMENTS APPLICABLE TO CERTAIN LOWER-INCOME POPULATIONS.—Section 1311(c) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(c)) is amended—

(1) in paragraph (6)—

(A) in subparagraph (C), by striking at the end ''and'';

(B) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(E) with respect to a qualified health plan with respect to which section 1402 applies, for months occurring during the period beginning on January 1, 2022, and ending on December 31, 2025, enrollment periods described in subparagraph (A) of paragraph (8) for individuals described in subparagraph (B) of such paragraph.''; and

(2) by adding at the end the following new paragraph:

''(8) SPECIAL ENROLLMENT PERIOD FOR CERTAIN LOW-INCOME POPULATIONS.—''(A) IN GENERAL.—The enrollment period described in this paragraph is, in the case of an individual described in subparagraph (B), the continuous period beginning on the first day that such individual is so described.

''(B) INDIVIDUAL DESCRIBED.—For purposes of subparagraph (A), an individual described in this subparagraph is an individual—

''(i) with a household income that does not exceed 138 percent of the poverty line for a family of the size involved; and

''(ii) who is not eligible for minimum essential coverage (as defined in section 5000A(f) of the Internal Revenue Code of 1986), other than for coverage described in any of subparagraphs (B) through (E) of paragraph (1) of such section.''.

(c) ADDITIONAL BENEFITS FOR CERTAIN LOW-INCOME INDIVIDUALS FOR PLAN YEARS 2024 AND 2025.—Section 1301(a) of the Patient Protection and Affordable Care Act (42 U.S.C. 18021(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C)(iv), by striking the period and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(D) provides, with respect to a plan offered in the silver level of coverage to which section 1402 applies during plan year 2024 and 2025, for benefits described in paragraph (5) in the case of an individual who has a household income that does not exceed 138 percent of the poverty line for a family of the size involved, and who is eligible to receive cost-sharing reductions under section 1402.''; and

(2) by adding at the end the following new paragraph:

''(5) ADDITIONAL BENEFITS FOR CERTAIN LOW-INCOME INDIVIDUALS FOR PLAN YEAR 2024 AND 2025.—''(A) IN GENERAL.—''(i) BENEFITS.—For purposes of paragraph (1)(D), the benefits described in this paragraph to be provided by a qualified health plan are benefits consisting of—

''(I) non-emergency medical transportation services (as described in section 1902(a)(4) of the Social Security Act) for which Federal payments would have been available under title XIX of the Social Security Act had such services been furnished to an individual enrolled under a State plan (or waiver of such plan) under such title; and

''(II) services described in subsection (a)(4)(C) of section 1905 of such Act for which Federal payments would have been so available;

which are not otherwise provided under such plan as part of the essential health benefits package described in section 1302(a).

''(ii) CONDITION ON PROVISION OF BENEFITS.—Benefits described in this paragraph shall be provided—

''(I) without any restriction on the choice of a qualified provider from whom an individual may receive such benefits; and

''(II) without any imposition of cost sharing.

''(B) PAYMENTS FOR ADDITIONAL BENEFITS.—''(i) IN GENERAL.—An issuer of a qualified health plan making payments for services described in subparagraph (A) furnished to individuals described in paragraph (1)(D) during plan year 2024 or 2025 shall notify the Secretary of such payments and the Secretary shall, out of funds made available under clause (ii), make periodic and timely payments to the issuer equal to payments for such services so furnished.

''(ii) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to the Secretary to make payments under clause (i).''.

(d) EDUCATION AND OUTREACH ACTIVITIES.——(1) IN GENERAL.—Section 1321(c) of the Patient Protection and Affordable Care Act (42 U.S.C. 18041(c)) is amended by adding at the end the following new paragraph:

''(3) OUTREACH AND EDUCATIONAL ACTIVITIES.—''(A) IN GENERAL.—In the case of an Exchange established or operated by the Secretary within a State pursuant to this subsection, the Secretary shall carry out outreach and educational activities for purposes of informing individuals described in section 1902(a)(10)(A)(i)(VIII) of the Social Security Act who reside in States that have not expended amounts under a State plan (or waiver of such plan) under title XIX of such Act for all such individuals about qualified health plans offered through the Exchange, including by informing such individuals of the availability of coverage under such plans and financial assistance for coverage under such plans. Such outreach and educational activities shall be provided in a manner that is culturally and linguistically appropriate to the needs of the populations being served by the Exchange (including hard-to-reach populations, such as racial and sexual minorities, limited English proficient populations, individuals residing in areas where the unemployment rates exceeds the national average unemployment rate, individuals in rural areas, veterans, and young adults).

''(B) LIMITATION ON USE OF FUNDS.—No funds appropriated under this paragraph shall be used for expenditures for promoting non-ACA compliant health insurance coverage.

''(C) NON-ACA COMPLIANT HEALTH INSURANCE COVERAGE.—For purposes of subparagraph (B):

''(i) The term 'non-ACA compliant health insurance coverage' means health insurance coverage, or a group health plan, that is not a qualified health plan.

''(ii) Such term includes the following:

''(I) An association health plan.

''(II) Short-term limited duration insurance.

''(D) FUNDING.—In addition to amounts otherwise available, there is appropriated, out of any money in the Treasury not otherwise appropriated, to remain available until expended, $105,000,000 for fiscal year 2022 to carry out this paragraph, of which—

''(i) $15,000,000 shall be used to carry out this paragraph in fiscal year 2022; and

''(ii) $30,000,000 shall be used to carry out this paragraph for each of fiscal years 2023 through 2025.''.

(2) NAVIGATOR PROGRAM.—Section 1311(i)(6) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(i)(6)) is amended—

(A) by striking ''FUNDING.—Grants under'' and inserting ''FUNDING.—

''(A) STATE EXCHANGES.—Grants under''; and

(B) by adding at the end the following new subparagraph:

''(B) FEDERAL EXCHANGES.—For purposes of carrying out this subsection, with respect to an Exchange established and operated by the Secretary within a State pursuant to section 1321(c), the Secretary shall obligate not less than $10,000,000 out of amounts collected through the user fees on participating health insurance issuers pursuant to section 156.50 of title 45, Code of Federal Regulations (or any successor regulations) for fiscal year 2022, and not less than $20,000,000 for each of fiscal years 2023, 2024, and 2025. Such amount so obligated for a fiscal year shall remain available until expended.''.

(e) FUNDING.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $65,000,000, to remain available until expended, for purposes of carrying out the provisions of, and the amendments made by, this section, section 30602, and section 30603.

SEC. 30602. ESTABLISHING A HEALTH INSURANCE AFFORDABILITY FUND.

(a) IN GENERAL.—Subtitle D of title I of the Patient Protection and Affordable Care Act is amended by inserting after section 1343 (42 U.S.C. 18063) the following new part:

''PART 6—IMPROVE HEALTH INSURANCE AFFORDABILITY FUND

''SEC. 1351. ESTABLISHMENT OF PROGRAM.

''There is hereby established the 'Improve Health Insurance Affordability Fund' to be administered by the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services (in this section referred to as the 'Administrator'), to provide funding, in accordance with this part, to the 50 States and the District of Columbia (each referred to in this section as a 'State') beginning on January 1, 2023, for the purposes described in section 1352.

''SEC. 1352. USE OF FUNDS.

''(a) IN GENERAL.—A State shall use the funds allocated to the State under this part for one of the following purposes:

''(1) To provide reinsurance payments to health insurance issuers with respect to individuals enrolled under individual health insurance coverage (other than through a plan described in subsection (b)) offered by such issuers.

''(2) To provide assistance (other than through payments described in paragraph (1)) to reduce out-of-pocket costs, such as copayments, coinsurance, premiums, and deductibles, of individuals enrolled under qualified health plans offered on the individual market through an Exchange and of individuals enrolled under standard health plans offered through a basic health program established under section 1331.

''(b) EXCLUSION OF CERTAIN GRANDFATHERED PLANS, TRANSITIONAL PLANS, STUDENT HEALTH PLANS, AND EXCEPTED BENEFITS.—For purposes of subsection (a), a plan described in this subsection is the following:

''(1) A grandfathered health plan (as defined in section 1251).

''(2) A plan (commonly referred to as a 'transitional plan') continued under the letter issued by the Centers for Medicare & Medicaid Services on November 14, 2013, to the State Insurance Commissioners outlining a transitional policy for coverage in the individual and small group markets to which section 1251 does not apply, and under the extension of the transitional policy for such coverage set forth in the Insurance Standards Bulletin Series guidance issued by the Centers for Medicare & Medicaid Services on March 5, 2014, February 29, 2016, February 13, 2017, April 9, 2018, March 25, 2019, January 31, 2020, and January 19, 2021, or under any subsequent extensions thereof.

''(3) Student health insurance coverage (as defined in section 147.145 of title 45, Code of Federal Regulations, or any successor regulation).

''(4) Excepted benefits (as defined in section 2791(c) of the Public Health Service Act).

''SEC. 1353. STATE ELIGIBILITY AND APPROVAL; DEFAULT SAFEGUARD.

''(a) ENCOURAGING STATE OPTIONS FOR ALLOCATIONS.—

''(1) IN GENERAL.—Subject to subsection (b), to be eligible for an allocation of funds under this part for a year (beginning with 2023), a State shall submit to the Administrator an application at such time (but, in the case of allocations for 2023, not later than 120 days after the date of the enactment of this part and, in the case of allocations for a subsequent year, not later than January 1 of the previous year) and in such form and manner as specified by the Administrator containing—

''(A) a description of how the funds will be used; and

''(B) such other information as the Administrator may require.

''(2) AUTOMATIC APPROVAL.—An application so submitted is approved (as outlined in the terms of the plan) unless the Administrator notifies the State submitting the application, not later than 90 days after the date of the submission of such application, that the application has been denied for not being in compliance with any requirement of this part and of the reason for such denial.

''(3) SUBSEQUENT YEAR APPLICATION APPROVAL.—If an application of a State is approved for a purpose described in section 1352 for a year, such application shall be treated as approved for such purpose for each of subsequent year through 2025.

''(4) OVERSIGHT AUTHORITY AND AUTHORITY TO REVOKE APPROVAL.—

''(A) OVERSIGHT.—The Secretary may conduct periodic reviews of the use of funds provided to a State under this section, with respect to a purpose described in section 1352, to ensure the State uses such funds for such purpose and otherwise complies with the requirements of this section.

''(B) REVOCATION OF APPROVAL.—The approval of an application of a State, with respect to a purpose described in section 1352, may be revoked if the State fails to use funds provided to the State under this section for such purpose or otherwise fails to comply with the requirements of this section.

''(b) DEFAULT FEDERAL SAFEGUARD FOR 2023, 2024, AND 2025 FOR CERTAIN STATES.—

''(1) IN GENERAL.—For 2023, 2024, and 2025, in the case of a State described in paragraph (5), with respect to such year, the State shall not be eligible to submit an application under subsection (a), and the Administrator, in consultation with the applicable State authority, shall from the amount calculated under paragraph (3) for such year, carry out the purpose described in paragraph (2) in such State for such year.

''(2) SPECIFIED USE.—The amount described in paragraph (3), with respect to a State described in paragraph (5) for 2023, 2024, or 2025, shall be used to carry out the purpose described in section 1352(a)(1) in such State for such year, as applicable, by providing reinsurance payments to health insurance issuers with respect to attachment range claims (as defined in section 1354(b)(2), using the dollar amounts specified in subparagraph (B) of such section for such year) in an amount equal to, subject to paragraph (4), the percentage (specified for such year by the Secretary under such subparagraph) of the amount of such claims.

''(3) AMOUNT DESCRIBED.—The amount described in this paragraph, with respect to 2023, 2024, or 2025, is the amount equal to the total sum of amounts that the Secretary would otherwise estimate under section 1354(b)(2)(A)(i) for such year for each State described in paragraph (5) for such year, as applicable, if each such State were not so described for such year.

''(4) ADJUSTMENT.—For purposes of this subsection, the Secretary may apply a percentage under paragraph (3) with respect to a year that is less than the percentage otherwise specified in section 1354(b)(2)(B) for such year, if the cost of paying the total eligible attachment range claims for States described in paragraph (5) for such year at such percentage otherwise specified would exceed the amount calculated under paragraph (3) for such year.

''(5) STATE DESCRIBED.—A State described in this paragraph, with respect to years 2023, 2024, and 2025, is a State that, as of January 1 of 2022, 2023, or 2024, respectively, was not expending amounts under the State plan (or waiver of such plan) for all individuals described in section 1902(a)(10)(A)(i)(VIII) during such year.

''SEC. 1354. ALLOCATIONS.

''(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated, out of any money in the Treasury not otherwise appropriated, $10,000,000,000 for 2023 and each subsequent year through 2025 to provide allocations for States under subsection (b) and payments under section 1353(b).

''(b) ALLOCATIONS.—

''(1) PAYMENT.—

''(A) IN GENERAL.—From amounts appropriated under subsection (a) for a year, the Secretary shall, with respect to a State not described in section 1353(b) for such year and not later than the date specified under subparagraph (B) for such year, allocate for such State the amount determined for such State and year under paragraph (2).

''(B) SPECIFIED DATE.—For purposes of subparagraph (A), the date specified in this subparagraph is—

''(i) for 2023, the date that is 90 days after the date of the enactment of this part; and

''(ii) for 2024 or 2025, January 1 of the previous year.

''(C) NOTIFICATIONS OF ALLOCATION AMOUNTS.—For 2024 and 2025, the Secretary shall notify each State of the amount determined for such State under paragraph (2) for such year by not later than January 1 of the previous year.

''(2) ALLOCATION AMOUNT DETERMINATIONS.—

''(A) IN GENERAL.—For purposes of paragraph (1), the amount determined under this paragraph for a year for a State described in paragraph (1)(A) for such year is the amount equal to—

''(i) the amount that the Secretary estimates would be expended under this part for such year on attachment range claims of individuals residing in such State if such State used such funds only for the purpose described in paragraph (1) of section 1352(a) at the dollar amounts and percentage specified under subparagraph (B) for such year; minus

''(ii) the amount, if any, by which the Secretary determines—

''(I) the estimated amount of premium tax credits under section 36B of the Internal Revenue Code of 1986 that would be attributable to individuals residing in such State for such year without application of this part; exceeds

''(II) the estimated amount of premium tax credits under section 36B of the Internal Revenue Code of 1986 that would be attributable to individuals residing in such State for such year if section 1353(b) applied for such year and applied with respect to such State for such year.

For purposes of the previous sentence and section 1353(b)(3), the term 'attachment range claims' means, with respect to an individual, the claims for such individual that exceed a dollar amount specified by the Secretary for a year, but do not exceed a ceiling dollar amount specified by the Secretary for such year, under subparagraph (B).

''(B) SPECIFICATIONS.—For purposes of subparagraph (A) and section 1353(b)(3), the Secretary shall determine the dollar amounts and the percentage to be specified under this subparagraph for a year in a manner to ensure that the total amount of expenditures under this part for such year is estimated to equal the total amount appropriated for such year under subsection (a) if such expenditures were used solely for the purpose described in paragraph (1) of section 1352(a) for attachment range claims at the dollar amounts and percentage so specified for such year.

''(3) AVAILABILITY.—Funds allocated to a State under this subsection for a year shall remain available through the end of the subsequent year.''.

(b) BASIC HEALTH PROGRAM FUNDING ADJUSTMENTS.—Section 1331 of the Patient Protection and Affordable Care Act (42 U.S.C. 18051) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

''(3) PROVISION OF INFORMATION ON QUALIFIED HEALTH PLAN PREMIUMS.—

''(A) IN GENERAL.—For plan years beginning on or after January 1, 2023, the program described in paragraph (1) shall provide that a State may not establish a basic health program unless such State furnishes to the Secretary, with respect to each qualified health plan offered in such State during a year that receives any reinsurance payment from funds made available under part 6 for such year, the adjusted premium amount (as defined in subparagraph (B)) for each such plan and year.

''(B) ADJUSTED PREMIUM AMOUNT DEFINED.—For purposes of subparagraph (A), the term 'adjusted premium amount' means, with respect to a qualified health plan and a year, the monthly premium for such plan and year that would have applied had such plan not received any payments described in subparagraph (A) for such year.''; and

(2) in subsection (d)(3)(A)(ii), by adding at the end the following new sentence: ''In making such determination, the Secretary shall calculate the value of such premium tax credits that would have been provided to such individuals enrolled through a basic health program established by a State during a year using the adjusted premium amounts (as defined in subsection (a)(3)(B)) for qualified health plans offered in such State during such year.''.

(c) IMPLEMENTATION AUTHORITY.—The Secretary of Health and Human Services may implement the provisions of, and the amendments made by, this section by subregulatory guidance or otherwise.

SEC. 30603. FUNDING FOR THE PROVISION OF HEALTH INSURANCE CONSUMER INFORMATION.

Section 2793(e) of the Public Health Service Act (42 U.S.C. 300gg–93(e)) is amended by adding at the end the following new paragraph:

''(3) FUNDING FOR 2022 THROUGH 2025.—In addition to amounts otherwise available, there is appropriated, out of any money in the Treasury not otherwise appropriated, $100,000,000 for 2022, to remain available until expended, of which $25,000,000 shall be used for each of 2022 through 2025 to carry out this section.''.

SEC. 30604. REQUIREMENTS WITH RESPECT TO COST-SHARING FOR INSULIN PRODUCTS.

(a) IN GENERAL.—Part D of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–111 et seq.) is amended by adding at the end the following:

''SEC. 2799A–11. REQUIREMENTS WITH RESPECT TO COST-SHARING FOR CERTAIN INSULIN PRODUCTS.

''(a) IN GENERAL.—For plan years beginning on or after January 1, 2023, a group health plan or health insurance issuer offering group or individual health insurance coverage shall provide coverage of selected insulin products, and with respect to such products, shall not—

''(1) apply any deductible; or

''(2) impose any cost-sharing in excess of the lesser of, per 30-day supply—

''(A) $35; or

''(B) the amount equal to 25 percent of the negotiated price of the selected insulin product net of all price concessions received by or on behalf of the plan or coverage, including price concessions received by or on behalf of third-party entities providing services to the plan or coverage, such as pharmacy benefit management services.

''(b) DEFINITIONS.—In this section:

''(1) SELECTED INSULIN PRODUCTS.—The term 'selected insulin products' means at least one of each dosage form (such as vial, pump, or inhaler dosage forms) of each different type (such as rapid-acting, short-acting, intermediate-acting, long-acting, ultra long-acting, and premixed) of insulin (as defined below), when available, as selected by the group health plan or health insurance issuer.

''(2) INSULIN DEFINED.—The term 'insulin' means insulin that is licensed under subsection (a) or (k) of section 351 and continues to be marketed under such section, including any insulin product that has been deemed to be licensed under section 351(a) pursuant to section 7002(e)(4) of the Biologics Price Competition and Innovation Act of 2009 and continues to be marketed pursuant to such licensure.

''(c) OUT-OF-NETWORK PROVIDERS.—Nothing in this section requires a plan or issuer that has a network of providers to provide benefits for selected insulin products described in this section that are delivered by an out-of-network provider, or precludes a plan or issuer that has a network of providers from imposing higher cost-sharing than the levels specified in subsection (a) for selected insulin products described in this section that are delivered by an out-of-network provider.

''(d) RULE OF CONSTRUCTION.—Subsection (a) shall not be construed to require coverage of, or prevent a group health plan or health insurance coverage from imposing cost-sharing other than the levels specified in subsection (a) on, insulin products that are not selected insulin products, to the extent that such coverage is not otherwise required and such cost-sharing is otherwise permitted under Federal and applicable State law.

''(e) APPLICATION OF COST-SHARING TOWARDS DEDUCTIBLES AND OUT-OF-POCKET MAXIMUMS.—Any cost-sharing payments made pursuant to subsection (a)(2) shall be counted toward any deductible or out-of-pocket maximum that applies under the plan or coverage.''.

(b) NO EFFECT ON OTHER COST-SHARING.—Section 1302(d)(2) of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(d)(2)) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE RELATING TO INSULIN COVERAGE.—The exemption of coverage of selected insulin products (as defined in section 2799A–11(b) of the Public Health Service Act) from the application of any deductible pursuant to section 2799A–11(a)(1) of such Act, section 726(a)(1) of the Employee Retirement Income Security Act of 1974, or section 9826(a)(1) of the Internal Revenue Code of 1986 shall not be considered when determining the actuarial value of a qualified health plan under this subsection.''.

(c) COVERAGE OF CERTAIN INSULIN PRODUCTS UNDER CATASTROPHIC PLANS.—Section 1302(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(e)) is amended by adding at the end the following:

''(4) COVERAGE OF CERTAIN INSULIN PRODUCTS.—

''(A) IN GENERAL.—Notwithstanding paragraph (1)(B)(i), a health plan described in paragraph (1) shall provide coverage of selected insulin products, in accordance with section 2799A–11 of the Public Health Service Act, for a plan year before an enrolled individual has incurred cost-sharing expenses in an amount equal to the annual limitation in effect under subsection (c)(1) for the plan year.

''(B) TERMINOLOGY.—For purposes of subparagraph (A)—

''(i) the term 'selected insulin products' has the meaning given such term in section 2799A–11(b) of the Public Health Service Act; and

''(ii) the requirements of section 2799A–11 of such Act shall be applied by deeming each reference in such section to 'individual health insurance coverage' to be a reference to a plan described in paragraph (1).''.

SEC. 30605. COST-SHARING REDUCTIONS FOR INDIVIDUALS RECEIVING UNEMPLOYMENT COMPENSATION.

Section 1402(f) of the Patient Protection and Affordable Care Act (42 U.S.C. 18071(f)) is amended—

(1) in the header, by striking ''2021'' and inserting ''CERTAIN YEARS'';

(2) in the matter preceding paragraph (1), by striking ''2021'' and inserting ''any of years 2021 through 2022''; and

(3) in paragraph (2), by striking ''133 percent'' and inserting ''150 percent''.

SEC. 30606. OVERSIGHT OF PHARMACY BENEFIT MANAGER SERVICES.

(a) IN GENERAL.—Title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.), as amended by section 30604, is further amended—

(1) in part D (42 U.S.C. 300gg–111 et seq.), by adding at the end the following new section:

''SEC. 2799A–12. OVERSIGHT OF PHARMACY BENEFIT MANAGER SERVICES.

''(a) IN GENERAL.—For plan years beginning on or after January 1, 2023, a group health plan or health insurance issuer offering group health insurance coverage or an entity or subsidiary providing pharmacy benefits management services on behalf of such a plan or issuer shall not enter into a contract with a drug manufacturer, distributor, wholesaler, subcontractor, rebate aggregator, or any associated third party that limits the disclosure of information to plan sponsors in such a manner that prevents the plan or issuer, or an entity or subsidiary providing pharmacy benefits management services on behalf of a plan or issuer, from making the reports described in subsection (b).

''(b) REPORTS.—

''(1) IN GENERAL.—For plan years beginning on or after January 1, 2023, not less frequently than once every 6 months, a health insurance issuer offering group health insurance coverage or an entity providing pharmacy benefits management services on behalf of a group health plan or an issuer providing group health insurance coverage shall submit to the plan sponsor (as defined in section 3(16)(B) of the Employee Retirement Income Security Act of 1974) of such group health plan or health insurance coverage a report in accordance with this subsection and make such report available to the plan sponsor in a machine-readable format. Each such report shall include, with respect to the applicable group health plan or health insurance coverage—

''(A) as applicable, information collected from drug manufacturers by such issuer or entity on the total amount of copayment assistance dollars paid, or copayment cards applied, that were funded by the drug manufacturer with respect to the participants and beneficiaries in such plan or coverage;

''(B) a list of each drug covered by such plan, issuer, or entity providing pharmacy benefit management services that was dispensed during the reporting period, including, with respect to each such drug during the reporting period—

''(i) the brand name, chemical entity, and National Drug Code;

''(ii) the number of participants and beneficiaries for whom the drug was filled during the plan year, the total number of prescription fills for the drug (including original prescriptions and refills), and the total number of dosage units of the drug dispensed across the plan year, including whether the dispensing channel was by retail, mail order, or specialty pharmacy;

''(iii) the wholesale acquisition cost, listed as cost per days supply and cost per pill, or in the case of a drug in another form, per dose;

''(iv) the total out-of-pocket spending by participants and beneficiaries on such drug, including participant and beneficiary spending through copayments, coinsurance, and deductibles; and

''(v) for any drug for which gross spending of the group health plan or health insurance coverage exceeded $10,000 during the reporting period—

''(I) a list of all other drugs in the same therapeutic category or class, including brand name drugs and biological products and generic drugs or biosimilar biological products that are in the same therapeutic category or class as such drug; and

''(II) the rationale for preferred formulary placement of such drug in that therapeutic category or class;

''(C) a list of each therapeutic category or class of drugs that were dispensed under the health plan or health insurance coverage during the reporting period, and, with respect to each such therapeutic category or class of drugs, during the reporting period—

''(i) total gross spending by the plan, before manufacturer rebates, fees, or other manufacturer remuneration;

''(ii) the number of participants and beneficiaries who filled a prescription for a drug in that category or class;

''(iii) if applicable to that category or class, a description of the formulary tiers and utilization mechanisms (such as prior authorization or step therapy) employed for drugs in that category or class;

''(iv) the total out-of-pocket spending by participants and beneficiaries, including participant and beneficiary spending through copayments, coinsurance, and deductibles; and

''(v) for each therapeutic category or class under which 3 or more drugs are included on the formulary of such plan or coverage—

''(I) the amount received, or expected to be received, from drug manufacturers in rebates, fees, alternative discounts, or other remuneration—

''(aa) to be paid by drug manufacturers for claims incurred during the reporting period; or

''(bb) that is related to utilization of drugs, in such therapeutic category or class;

''(II) the total net spending, after deducting rebates, price concessions, alternative discounts or other remuneration from drug manufacturers, by the health plan or health insurance coverage on that category or class of drugs; and

''(III) the net price per course of treatment or single fill, such as a 30-day supply or 90-day supply, incurred by the health plan or health insurance coverage and its participants and beneficiaries, after manufacturer rebates, fees, and other remuneration for drugs dispensed within such therapeutic category or class during the reporting period;

''(D) total gross spending on prescription drugs by the plan or coverage during the reporting period, before rebates and other manufacturer fees or remuneration;

''(E) total amount received, or expected to be received, by the health plan or health insurance coverage in drug manufacturer rebates, fees, alternative discounts, and all other remuneration

received from the manufacturer or any third party, other than the plan sponsor, related to utilization of drug or drug spending under that health plan or health insurance coverage during the reporting period;

''(F) the total net spending on prescription drugs by the health plan or health insurance coverage during the reporting period; and

''(G) amounts paid directly or indirectly in rebates, fees, or any other type of remuneration to brokers, consultants, advisors, or any other individual or firm who referred the group health plan's or health insurance issuer's business to the pharmacy benefit manager.

''(2) PRIVACY REQUIREMENTS.—Health insurance issuers offering group health insurance coverage and entities providing pharmacy benefits management services on behalf of a group health plan shall provide information under paragraph (1) in a manner consistent with the privacy, security, and breach notification regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996, and shall restrict the use and disclosure of such information according to such privacy regulations.

''(3) DISCLOSURE AND REDISCLOSURE.—

''(A) LIMITATION TO BUSINESS ASSOCIATES.—A group health plan receiving a report under paragraph (1) may disclose such information only to business associates of such plan as defined in section 160.103 of title 45, Code of Federal Regulations (or successor regulations).

''(B) CLARIFICATION REGARDING PUBLIC DISCLOSURE OF INFORMATION.—Nothing in this section prevents a health insurance issuer offering group health insurance coverage or an entity providing pharmacy benefits management services on behalf of a group health plan from placing reasonable restrictions on the public disclosure of the information contained in a report described in paragraph (1), except that such issuer or entity may not restrict disclosure of such report to the Department of Health and Human Services, the Department of Labor, or the Department of the Treasury.

''(C) LIMITED FORM OF REPORT.—The Secretary shall define through rulemaking a limited form of the report under paragraph (1) required of plan sponsors who are drug manufacturers, drug wholesalers, or other direct participants in the drug supply chain, in order to prevent anticompetitive behavior.

''(4) REPORT TO GAO.—A health insurance issuer offering group health insurance coverage or an entity providing pharmacy benefits management services on behalf of a group health plan shall submit to the Comptroller General of the United States each of the first 4 reports submitted to a plan sponsor under paragraph (1) with respect to such coverage or plan, and other such reports as requested, in accordance with the privacy requirements under paragraph (2) and the disclosure and redisclosure standards under paragraph (3), and such other information that the Comptroller General determines necessary to carry out the study under section 30606(b) of An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14.

''(c) ENFORCEMENT.—

''(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Labor and the Secretary of the Treasury, shall enforce this section.

''(2) FAILURE TO PROVIDE TIMELY INFORMATION.—A health insurance issuer or an entity providing pharmacy benefit management services that violates subsection (a) or fails to provide information required under subsection (b), or a drug manufacturer that fails to provide information under subsection (b)(1)(A) in a timely manner, shall be subject to a civil monetary penalty in the amount of $10,000 for each day during which such violation continues or such information is not disclosed or reported.

''(3) FALSE INFORMATION.—A health insurance issuer, entity providing pharmacy benefit management services, or drug manufacturer that knowingly provides false information under this section shall be subject to a civil money penalty in an amount not to exceed $100,000 for each item of false information. Such civil money penalty shall be in addition to other penalties as may be prescribed by law.

''(4) PROCEDURE.—The provisions of section 1128A of the Social Security Act, other than subsection (a) and (b) and the first sentence of subsection (c)(1) of such section shall apply to civil monetary penalties under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A of the Social Security Act.

''(5) WAIVERS.—The Secretary may waive penalties under paragraph (2), or extend the period of time for compliance with a requirement of this section, for an entity in violation of this section that has made a good-faith effort to comply with this section.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to permit a health insurance issuer, group health plan, or other entity to restrict disclosure to, or otherwise limit the access of, the Department of Health and Human Services to a report described in subsection (b)(1) or information related to compliance with subsection (a) by such issuer, plan, or entity.

''(e) DEFINITION.—In this section, the term 'wholesale acquisition cost' has the meaning given such term in section 1847A(c)(6)(B) of the Social Security Act.''; and

(2) in section 2723 (42 U.S.C. 300gg–22)—

(A) in subsection (a)—

(i) in paragraph (1), by inserting ''(other than subsections (a) and (b) of section 2799A–12)'' after ''part D''; and

(ii) in paragraph (2), by inserting ''(other than subsections (a) and (b) of section 2799A–12)'' after ''part D'';

(B) in subsection (b)—

(i) in paragraph (1), by inserting ''(other than subsections (a) and (b) of section 2799A–12)'' after ''part D'';

(ii) in paragraph (2)(A), by inserting ''(other than subsections (a) and (b) of section 2799A–12)'' after ''part D''; and

(iii) in paragraph (2)(C)(ii), by inserting ''(other than subsections (a) and (b) of section 2799A–12)'' after ''part D''.

(b) GAO STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall report to Congress on—

(A) pharmacy networks of group health plans, health insurance issuers, and entities providing pharmacy benefit management services under such group health plan or group or individual health insurance coverage, including networks that have pharmacies that are under common ownership (in whole or part) with group health plans, health insurance issuers, or entities providing pharmacy benefit management services or pharmacy benefit administrative services under group health plan or group or individual health insurance coverage;

(B) as it relates to pharmacy networks that include pharmacies under common ownership described in subparagraph (A)—

(i) whether such networks are designed to encourage enrollees of a plan or coverage to use such pharmacies over other network pharmacies for specific services or drugs, and if so, the reasons the networks give for encouraging use of such pharmacies; and

(ii) whether such pharmacies are used by enrollees disproportionately more in the aggregate or for specific services or drugs compared to other network pharmacies;

(C) whether group health plans and health insurance issuers offering group or individual health insurance coverage have options to elect different network pricing arrangements in the marketplace with entities that provide pharmacy benefit management services, the prevalence of electing such different network pricing arrangements;

(D) pharmacy network design parameters that encourage enrollees in the plan or coverage to fill prescriptions at mail order, specialty, or retail pharmacies that are wholly or partially-owned by that issuer or entity; and

(E) the degree to which mail order, specialty, or retail pharmacies that dispense prescription drugs to an enrollee in a group health plan or health insurance coverage that are under common ownership (in whole or part) with group health plans, health insurance issuers, or entities providing pharmacy benefit management services or pharmacy benefit administrative services under group health plan or group or individual health insurance coverage receive reimbursement that is greater than the median price charged to the group health plan or health insurance issuer when the same drug is dispensed to enrollees in the plan or coverage by other pharmacies included in the pharmacy network of that plan, issuer, or entity that are not wholly or partially owned by the health insurance issuer or entity providing pharmacy benefit management services.

(2) REQUIREMENT.—The Comptroller General of the United States shall ensure that the report under paragraph (1) does not contain information that would allow a reader to identify a specific plan or entity providing pharmacy benefits management services or otherwise contain commercial or financial information that is privileged or confidential.

(3) DEFINITIONS.—In this subsection, the terms ''group health plan'', ''health insurance coverage'', and ''health insurance issuer'' have the meanings given such terms in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91).

SEC. 30607. FUNDING TO SUPPORT STATE APPLICATIONS FOR SECTION 1332 WAIVERS AND ADMINISTRATION.

Section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18052) is amended by adding at the end the following:

''(f) ADMINISTRATION AND PLANNING GRANTS.—

''(1) APPROPRIATION.—In addition to any other amounts made available, there is appropriated to the Secretary of Health and Human Services for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $50,000,000, to remain available until expended, for purposes of implementing the grant program under paragraph (2) and awarding grants under such paragraph.

''(2) GRANTS.—From the amount appropriated under paragraph (1), the Secretary of Health and Human Services shall award grants to States for purposes of developing a new waiver application, preparing an application for a waiver extension or amendment, or implementing a State plan under this section. The amount of a grant awarded to a State under this subsection shall remain available until expended.

''(3) LIMITATION.—Each grant awarded to a State under this subsection shall be in an amount not to exceed $5,000,000.''.

SEC. 30608. ADJUSTMENTS TO UNCOMPENSATED CARE POOLS AND DISPROPORTIONATE SHARE HOSPITAL PAYMENTS.

(a) ADJUSTMENTS TO UNCOMPENSATED CARE POOLS.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by adding at the end the following new subsection:

''(cc) EXCLUDING EXPENDITURES FOR EXPANSION POPULATION FROM ASSISTANCE UNDER WAIVERS RELATING TO UNCOMPENSATED CARE.—With respect to a State with a State plan (or waiver of such plan) that does not provide, with respect to a fiscal year (beginning with fiscal year 2023), to all individuals described in section 1902(a)(10)(A)(i)(VIII) benchmark coverage described in section 1937(b)(1) or benchmark equivalent coverage described in section 1937(b)(2), in the case of any experimental, pilot, or demonstration project undertaken under section 1115, with respect to such State and fiscal year,

that provides for Federal financial participation with respect to expenditures for payments to providers for otherwise uncompensated care that is furnished to low-income individuals, uninsured individuals, or underinsured individuals, notwithstanding any waiver authority available under such section, such project shall exclude from Federal financial participation any expenditures for care that is furnished with respect to such fiscal year to individuals described in section 1902(a)(10)(A)(i)(VIII).''.

(b) ADJUSTMENTS TO DISPROPORTIONATE SHARE HOSPITAL PAYMENTS.—

(1) IN GENERAL.—Section 1923(f) of the Social Security Act (42 U.S.C.1396r–4(f)) is amended—

(A) in paragraph (3)(A), by striking ''paragraphs (6), (7), and (8)'' and inserting ''paragraphs (6), (7), (8), and (10)'';

(B) in paragraph (6)(A)(vi), by inserting ''(except paragraph (10))'' before '', any other provision of law'';

(C) in paragraph (7)(A)(i), by inserting ''without regard to paragraph (10),'' before ''the Secretary''; and

(D) by adding at the end the following new paragraph:

''(10) STATE DSH ALLOTMENTS FOR NON-EXPANSION STATES BEGINNING WITH FISCAL YEAR 2023.—

''(A) IN GENERAL.—For fiscal year 2023 and each subsequent fiscal year—

''(i) in the case of a State with a State plan (or waiver of such plan) that, with respect to such fiscal year, does not provide to all individuals described in section 1902(a)(10)(A)(i)(VIII) benchmark coverage described in section 1937(b)(1) or benchmark equivalent coverage described in section 1937(b)(2), the Secretary shall reduce the DSH allotment to the State for such fiscal year in the amount equal to 12.5 percent of the DSH allotment that would (after the application of paragraph (6), and without the application of paragraphs (7), (8), or this paragraph) be determined under this subsection for the State for such fiscal year;

''(ii) in the case of a State with a State plan (or waiver of such plan) that, with respect to such fiscal year, initially provides to all individuals described in section 1902(a)(10)(A)(i)(VIII) benchmark coverage described in 1937(b)(1) or benchmark equivalent coverage described in section 1937(b)(2), but during such fiscal year stops providing to any such individual such benchmark or benchmark equivalent coverage, the Secretary shall reduce the DSH allotment to the State for such fiscal year in the amount equal to the product of—

''(I) 12.5 percent of the DSH allotment that would (after the application of paragraph (6), and without the application of paragraphs (7), (8), or this paragraph) be determined under this subsection for the State for such fiscal year; and

''(II) expressed as a percentage, the number of days of such fiscal year during which such State plan (or waiver of such plan), with respect to such fiscal year, did not provide to such individuals such benchmark or benchmark equivalent coverage; or

''(iii) in the case of a State with a State plan (or waiver of such plan) that, with respect to such fiscal year, either—

''(I) initially does not provide to all individuals described in section 1902(a)(10)(A)(i)(VIII) benchmark coverage described in 1937(b)(1) or benchmark equivalent coverage described in section 1937(b)(2), but during the fiscal year establishes a State plan (or waiver of such plan) that provides, for the remainder of the fiscal year, all such individuals such benchmark or benchmark equivalent coverage; or

''(II) did not provide to all such individuals such benchmark or benchmark equivalent coverage during the fiscal year preceding such fiscal year described in the matter preceding subclause (I), but on the first day of such fiscal year establishes a State plan (or waiver of such plan) that provides, for the entirety of such fiscal year, all such individuals such benchmark or benchmark equivalent coverage;

the DSH allotment for such State for such fiscal year is equal to the DSH allotment under this subsection (without application of this paragraph) for the State for the entirety of such fiscal year.

''(B) CALCULATION OF DSH ALLOTMENTS AFTER EXPANSION PERIOD.—The DSH allotment for a State for fiscal years after which a State provides under a State plan (or waiver of such plan) to all individuals described in section 1902(a)(10)(A)(i)(VIII) benchmark coverage described in section 1937(b)(1) or benchmark equivalent coverage described in section 1937(b)(2) and, for which the State continues to provide under the State plan (or waiver of such plan) such benchmark or benchmark equivalent coverage to such individuals, without the providing of such benchmark or benchmark equivalent coverage being stopped during a fiscal year (as described in the matter preceding subclause (I) of subparagraph (A)(ii)), shall be calculated under paragraph (3) without regard to this paragraph.''.

(2) TECHNICAL AMENDMENT.—Section 1923(f)(7)(A)(i)(II) of the Social Security Act (42 U.S.C.1396r–4(f)(7)(A)(i)(II)) is amended by adding at period at the end.

SEC. 30609. FURTHER INCREASE IN FMAP FOR MEDICAL ASSISTANCE FOR NEWLY ELIGIBLE MANDATORY INDIVIDUALS.

Section 1905(y)(1) of the Social Security Act (42 U.S.C. 1396d(y)(1)) is amended—

(1) in subparagraph (D), by striking at the end ''and'';

(2) in subparagraph (E), by striking ''2020 and each year thereafter.'' and inserting ''2020, 2021, and 2022; and''; and

(3) by adding at the end the following new subparagraphs:

''(F) 93 percent for calendar quarters in 2023, 2024, and 2025; and

''(G) 90 percent for calendar quarters in 2026 and each year thereafter.''.

Subtitle F—Medicaid

PART 1—INVESTMENTS IN HOME AND COMMUNITY-BASED SERVICES AND LONG-TERM CARE QUALITY AND WORKFORCE

SEC. 30711. HCBS IMPROVEMENT PLANNING GRANTS.

(a) FUNDING.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $130,000,000, to remain available until expended, for carrying out this section.

(2) TECHNICAL ASSISTANCE AND GUIDANCE.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until expended, for purposes of issuing guidance and providing technical assistance to States intending to apply for, or which are awarded, a planning grant under this section, and for other administrative expenses related to awarding planning grants under this section.

(b) AWARD AND USE OF GRANTS.—

(1) DEADLINE FOR AWARD OF GRANTS.—From the amount appropriated under subsection (a)(1), the Secretary, not later than 12 months after the date of enactment of this Act, shall solicit State requests for HCBS improvement planning grants and award such grants to all States that meet such requirements as determined by the Secretary.

(2) USE OF FUNDS.—Subject to paragraph (3), a State awarded a planning grant under this section shall use the grant to carry out planning activities for purposes of developing and submitting to the Secretary an HCBS improvement plan for the State that meets the requirements of subsections (c) and (d). A State may use planning grant funds to support activities related to the implementation of the HCBS improvement plan for the State, collect and report information described in subsection (c), identify areas for improvement to the service delivery systems for home and community-based services, carry out activities related to evaluating payment rates for home and community-based services and identifying improvements to update the rate setting process, and make related infrastructure investments (such as case management or other information technology systems).

(3) LIMITATION ON USE OF FUNDS.—None of the funds awarded to a State under this section may be used by a State as the source of the non-Federal share of expenditures under the State plan (or waiver of such plan).

(c) HCBS IMPROVEMENT PLAN REQUIREMENTS.—In order to meet the requirements of this subsection, an HCBS improvement plan developed using funds awarded to a State under this section shall include, with respect to the State and subject to subsection (d), the following:

(1) EXISTING MEDICAID HCBS LANDSCAPE.—

(A) ELIGIBILITY AND BENEFITS.—A description of the existing standards, pathways, and methodologies for eligibility for home and community-based services pursuant to the State plan (or waiver of such plan), including limits on assets and income, the home and community-based services available under the State Medicaid program and the types of settings in which they may be provided, and utilization management standards for such services.

(B) ACCESS.—

(i) BARRIERS.—A description of the barriers to accessing home and community-based services in the State identified by Medicaid eligible individuals, the families of such individuals, and direct care workers and home care agencies, or other similar organizations.

(ii) AVAILABILITY; UNMET NEED.—A summary, in accordance with guidance issued by the Secretary and as able to be practicably determined by the State, of the extent to which home and community-based services are available to all individuals in the State who would be eligible for such services under the State Medicaid program (including individuals who are on a waiting list for such services).

(C) UTILIZATION.—An assessment of the utilization of home and community-based services in the State (including the number of individuals receiving such services) during such period specified by the Secretary.

(D) SERVICE DELIVERY STRUCTURES AND SUPPORTS.—A description of the service delivery structures for providing home and community-based services in the State.

(E) WORKFORCE.—A description of the direct care workforce, including estimates of the number of full- and part-time direct care workers, the average and range of direct care worker wages, the benefits provided to direct care workers, and the turnover and vacancy rates of direct care worker positions.

(F) PAYMENT RATES.—

(i) IN GENERAL.—A description of the payment rates for home and community-based services, including, to the extent applicable, how payments for such services are factored into the development of managed care capitation rates, when the State last updated payment rates for home and community-based services, and an estimate of the portion of the payment rate that goes toward direct care worker compensation.

(ii) ASSESSMENT.—An assessment of the relationship between payment rates for such services and workforce shortages, average beneficiary wait times for such services, and provider-to-beneficiary ratios in the geographic region.

(G) QUALITY.—A description of how the quality of home and community-based services is measured and monitored.

(H) LONG-TERM SERVICES AND SUPPORTS PROVIDED IN INSTITUTIONAL SETTINGS.—A description of the number of individuals enrolled in the State Medicaid program in a year who receive

items and services furnished by an institution for greater than 30 days in an institutional setting.

(I) HCBS SHARE OF OVERALL MEDICAID LTSS SPENDING.—For the most recent State fiscal year for which complete data is available, the percentage of expenditures made by the State under the State Medicaid program for long-term services and supports that are for home and community-based services.

(J) DEMOGRAPHIC DATA.—To the extent available and as applicable with respect to the information required under subparagraphs (B), (C), and (H), demographic data for such information, disaggregated by age groups, primary disability, income brackets, gender, race, ethnicity, geography, primary language, and type of service setting.

(2) GOALS FOR HCBS IMPROVEMENTS.—A description of how the State will do the following:

(A) Conduct the activities required under subsection (jj) of section 1905 of the Social Security Act (as added under section 30712).

(B) Reduce barriers to and disparities in access or utilization of home and community-based services in the State.

(C) Monitor and report on access to home and community-based services under the State Medicaid program, disparities in access to such services, and the utilization of such services.

(D) Monitor and report the amount of State Medicaid expenditures for home and community-based services under the State Medicaid program as a proportion of the total amount of State expenditures under the State Medicaid program for long-term services and supports.

(E) Monitor and report on wages, benefits, and vacancy and turnover rates for direct care workers.

(F) Assess and monitor the sufficiency of payment rates under the State Medicaid program, in a manner specified by the Secretary, for the specific types of home and community-based services available under such program for purposes of supporting direct care worker recruitment and retention and ensuring the availability of home and community-based services.

(G) Coordinate implementation of the HCBS improvement plan among the State Medicaid agency and State health and human services agencies serving individuals with disabilities and the elderly.

(d) DEVELOPMENT AND APPROVAL REQUIREMENTS.—

(1) DEVELOPMENT REQUIREMENTS.—In order to meet the requirements of this subsection, a State awarded a planning grant under this section shall develop an HCBS improvement plan for the State through a public notice and comment process that includes consultation with Medicaid eligible individuals who are recipients of home and community-based services, family caregivers of such recipients, providers, health plans, direct care workers, chosen representatives of direct care workers, and aging, disability, and workforce advocates.

(2) AUTHORITY TO ADJUST CERTAIN PLAN CONTENT REQUIREMENTS.—The Secretary may modify the requirements for any of the information specified in subsection (c)(1) if a State requests a modification and demonstrates to the satisfaction of the Secretary that it is impracticable for the State to collect and submit the information.

(3) SUBMISSION AND APPROVAL.—Not later than 24 months after the date on which a State is awarded a planning grant under this section, the State shall submit an HCBS improvement plan for approval by the Secretary, along with assurances by the State that the State will implement the plan in accordance with the requirements of the HCBS Improvement Program established under subsection (jj) of section 1905 of the Social Security Act (42 U.S.C. 1396d) (as added by section 30712). The Secretary shall approve and make publicly available the HCBS improvement plan for a State after the plan and such assurances are submitted to the Secretary for approval and the Secretary determines the plan meets the requirements of subsection (c). A State may amend its HCBS improvement plan, subject to the approval of the Secretary that the plan as so amended meets the requirements of subsection (c). The Secretary may withhold or recoup funds provided under this section to a State, if the State fails to comply with the requirements of this section.

(e) DEFINITIONS.—In the part:

(1) DIRECT CARE WORKER.—The term ''direct care worker'' means, with respect to a State, any of the following individuals who are paid to provide directly to Medicaid eligible individuals home and community-based services available under the State Medicaid program:

(A) A registered nurse, licensed practical nurse, nurse practitioner, or clinical nurse specialist, or a licensed nursing assistant who provides such services under the supervision of a registered nurse, licensed practical nurse, nurse practitioner, or clinical nurse specialist.

(B) A direct support professional.

(C) A personal care attendant.

(D) A home health aide.

(E) Any other paid health care professional or worker determined to be appropriate by the State and approved by the Secretary.

(2) HCBS PROGRAM IMPROVEMENT STATE.—The term ''HCBS program improvement State'' means a State that is awarded a planning grant under subsection (b) and has an HCBS improvement plan approved by the Secretary under subsection (d)(3).

(3) HEALTH PLAN.—The term ''health plan'' means any of the following entities that provide or arrange for home and community-based services for Medicaid eligible individuals who are enrolled with the entities under a contract with a State:

(A) A medicaid managed care organization, as defined in section 1903(m)(1)(A) of the Social Security Act (42 U.S.C. 1396b(m)(1)(A)).

(B) A prepaid inpatient health plan or prepaid ambulatory health plan, as defined in section 438.2 of title 42, Code of Federal Regulations (or any successor regulation).

(4) HOME AND COMMUNITY-BASED SERVICES.—The term ''home and community-based services'' means any of the following (whether provided on a fee-for-service, risk, or other basis):

(A) Home health care services authorized under paragraph (7) of section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)).

(B) Private duty nursing services authorized under paragraph (8) of such section, when such services are provided in a Medicaid eligible individual's home.

(C) Personal care services authorized under paragraph (24) of such section.

(D) PACE services authorized under paragraph (26) of such section.

(E) Home and community-based services authorized under subsections (b), (c), (i), (j), and (k) of section 1915 of such Act (42 U.S.C. 1396n), authorized under a waiver under section 1115 of such Act (42 U.S.C. 1315), or provided through coverage authorized under section 1937 of such Act (42 U.S.C. 1396u–7).

(F) Case management services authorized under section 1905(a)(19) of the Social Security Act (42 U.S.C. 1396d(a)(19)) and section 1915(g) of such Act (42 U.S.C. 1396n(g)).

(G) Rehabilitative services, including those related to behavioral health, described in section 1905(a)(13) of such Act (42 U.S.C. 1396d(a)(13)).

(H) Such other services specified by the Secretary.

(5) INSTITUTIONAL SETTING.—The term ''institutional setting'' means—

(A) a skilled nursing facility (as defined in section 1819(a) of the Social Security Act (42 U.S.C. 1395i–3(a)));

(B) a nursing facility (as defined in section 1919(a) of such Act (42 U.S.C. 1396r(a)));

(C) a long-term care hospital (as described in section 1886(d)(1)(B)(iv) of such Act (42 U.S.C. 1395ww(d)(1)(B)(iv)));

(D) a facility described in section 1905(d) of such Act (42 U.S.C. 1396d(d)));

(E) an institution which is a psychiatric hospital (as defined in section 1861(f) of such Act (42 U.S.C. 1395x(f))) or that provides inpatient psychiatric services in a residential setting specified by the Secretary; and

(F) an institution described in section 1905(i) of such Act (42 U.S.C. 1396d(i)).

(6) MEDICAID ELIGIBLE INDIVIDUAL.—The term ''Medicaid eligible individual'' means an individual who is eligible for and receiving medical assistance under a State Medicaid plan or a waiver of such plan. Such term includes an individual who is on a waiting list and who would become eligible for medical assistance and enrolled under a State Medicaid plan, or waiver of such plan, upon receipt of home and community-based services.

(7) STATE MEDICAID PROGRAM.—The term ''State Medicaid program'' means, with respect to a State, the State program under title XIX of the Social Security Act (42 U.S.C. 1396 through 1396w-6) (including any waiver or demonstration under such title or under section 1115 of such Act (42 U.S.C. 1315) relating to such title).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(9) STATE.—The term ''State'' means each of the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa.

SEC. 30712. HCBS IMPROVEMENT PROGRAM.

(a) INCREASED FMAP FOR HCBS PROGRAM IMPROVEMENT STATES.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (b), by striking ''and (ii)'' and inserting ''(ii), and (jj)''; and

(2) by adding at the end the following new subsection:

''(jj) ADDITIONAL SUPPORT FOR HCBS PROGRAM IMPROVEMENT STATES.—

''(1) IN GENERAL.—

''(A) ADDITIONAL SUPPORT.—Subject to paragraph (5), in the case of a State that is an HCBS program improvement State, for each fiscal quarter that begins on or after the first date on which the State is an HCBS program improvement State—

''(i) and for which the State meets the requirements described in paragraphs (2) and (4), notwithstanding subsection (b) or (ff), subject to subparagraph (B), with respect to amounts expended during the quarter by such State for medical assistance for home and community-based services, the Federal medical assistance percentage for such State and quarter (as determined for the State under subsection (b) and, if applicable, increased under subsection (y), (z), (aa), or (ii), section 6008(a) of the Families First Coronavirus Response Act), or section 1915(k)(2) shall be increased by 6 percentage points; and

''(ii) with respect to the State meeting the requirements described in paragraphs (2) and (4) and with respect to amounts expended during the quarter and before October 1, 2031, for administrative costs for expanding and enhancing home and community-based services, including for enhancing Medicaid data and technology infrastructure, modifying rate setting processes, adopting or improving training programs for direct care workers and family caregivers, home and community-based services ombudsman office activities (as reimbursable under section 1903(a)(7)), developing processes to identify direct care workers and assign such workers unique identifiers (as so reimbursable), and adopting, carrying out, or enhancing programs that register direct care workers or connect beneficiaries to direct care workers, the per centum specified in sections 1903(a)(7) and 1903(a)(3) shall be increased to 80 percent.

In no case may the application of clause (i) result in the Federal medical assistance percentage determined for a State being more than 95 percent with respect to such expenditures. In no case shall the application of clause (ii) result in a reduction to the per centum otherwise specified without application of such clause. Any increase pursuant to clause (ii) shall be available

to a State before the State meets the requirements of paragraphs (2) and (4).

''(B) ADDITIONAL HCBS IMPROVEMENT EFFORTS.—Subject to paragraph (5), in addition to the increase to the Federal medical assistance percentage under subparagraph (A)(i) for amounts expended during a quarter for medical assistance for home and community-based services by an HCBS program improvement State that meets the requirements of paragraphs (2) and (4) for the quarter, the Federal medical assistance percentage for amounts expended by the State during the quarter for medical assistance for home and community-based services shall be further increased by 2 percentage points (but not to exceed 95 percent) during the first 6 fiscal quarters throughout which the State has implemented and has in effect a program that meets the requirements of paragraph (3).

''(C) NONAPPLICATION OF TERRITORIAL FUNDING CAPS.—Any payment made to Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa for expenditures that are subject to an increase in the Federal medical assistance percentage under subparagraph (A)(i) or (B), or an increase in an applicable Federal matching percentage under subparagraph (A)(ii), shall not be taken into account for purposes of applying payment limits under subsections (f) and (g) of section 1108.

''(D) NONAPPLICATION TO CHIP EFMAP.—Any increase described in subparagraph (A) (or payment made for expenditures on medical assistance that are subject to such increase) shall not be taken into account in calculating the enhanced FMAP of a State under section 2105.

''(2) REQUIREMENTS.—Subject to the last sentence of paragraph (1)(A), as conditions for receipt of the increase under paragraph (1) to the Federal medical assistance percentage determined for a State, with respect to a fiscal year quarter, the State shall meet each of the following requirements:

''(A) NONSUPPLANTATION.—The State uses the Federal funds attributable to the increase in the Federal medical assistance percentage for amounts expended during a quarter for medical assistance for home and community-based services under paragraph (1)(A) and paragraph (1)(B) (if applicable) to supplement, and not supplant, the level of State funds expended for home and community-based services for eligible individuals through programs in effect as of the date the State is awarded a planning grant under section 30711 of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'. In applying this subparagraph, the Secretary shall provide that a State shall have a 3-year period, as specified by the Secretary, to spend any accumulated unspent State funds attributable to the increase described in clause (i) in the Federal medical assistance percentage.

''(B) MAINTENANCE OF EFFORT.—

''(i) IN GENERAL.—The State does not—

''(I) reduce the amount, duration, or scope of home and community-based services available under the State plan (or waiver of such plan) relative to the home and community-based services available under the plan or a waiver of such plan as of the date on which the State was awarded a planning grant under section 30711 of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14';

''(II) reduce payment rates for home and community-based services lower than such rates that were in place as of the date described in subclause (I), including, to the extent applicable, assumed payment rates for such services that are included in managed care capitation rates as such rates are being prospectively built; or

''(III) except to the extent permitted under clause (ii), adopt more restrictive standards, methodologies, or procedures for determining eligibility for or the scope of medical assistance of home and community-based services, including with respect to cost-sharing, than the standards, methodologies, or procedures applicable as of the date described in subclause (I).

''(ii) CONDITIONS FOR FLEXIBILITY.—A State may make modifications that would otherwise violate the maintenance of effort described in clause (i) if the State demonstrates to the satisfaction of the Secretary that such modifications shall not result in—

''(I) home and community-based services that are less comprehensive or lower in amount, duration, or scope;

''(II) fewer individuals (overall and within particular eligibility groups) receiving home and community-based services, the calculation of which may be adjusted for demographic changes since the date described in clause (i)(I); or

''(III) increased cost-sharing (other than resulting from the rate of inflation) for home and community-based services.

''(C) ACCESS TO SERVICES.—Not later than an implementation date as specified by the Secretary (which may vary for each of the following clauses) after the first day of the first fiscal quarter for which a State receives an increase to the Federal medical assistance percentage or other applicable Federal matching percentage under paragraph (1), the State does all of the following to improve access to services:

''(i) Reduce access barriers and disparities in access or utilization of home and community-based services, as described in the State HCBS improvement plan.

''(ii) Provides coverage of personal care services authorized under subsection (a)(24) for all individuals eligible for and enrolled in medical assistance in the State.

''(iii) Provides for navigation of home and community-based services through 'no wrong door' programs, provides expedited eligibility for home and community-based services, and improves home and community-based services counseling and education programs.

''(iv) Expands access to behavioral health services furnished in home and community-based settings.

''(v) Improves coordination of home and community-based services with employment, housing, and transportation supports.

''(vi) Provides supports to family caregivers.

''(vii) Newly provides coverage under, or expands existing eligibility criteria for, 1 or more of the eligibility categories authorized under subclause (XIII), (XV), or (XVI) of section 1902(a)(10)(A)(ii).

''(D) WORKFORCE.—

''(i) IN GENERAL.—The State strengthens and expands the direct care workforce that provides home and community-based services by—

''(I) adopting processes to ensure that payment rates for home and community-based services are sufficient (as defined by the Secretary) to ensure that care and services are available to the extent described in the State HCBS improvement plan; and

''(II) updating qualification standards as appropriate, and developing and adopting training opportunities for direct care workers and family caregivers, at such times as the Secretary shall prescribe.

''(ii) PAYMENT RATES.—In carrying out clause (i)(I), the State shall—

''(I) update and, as appropriate, increase payment rates for home and community-based services to support recruitment and retention of the direct care workforce by not later than 2 years after approval of the HCBS improvement plan and, at least every 3 years thereafter, using, through existing or other processes to determine provider payment, a transparent process involving meaningful input from nongovernmental stakeholders; and

''(II) ensure that increases in the payment rates for home and community-based services—

''(aa) at a minimum, result in a proportionate increase to payments for direct care workers and in a manner that is determined with input from the stakeholders described in subclause (I); and

''(bb) are incorporated into provider payment rates for home and community-based services provided under this title by a health plan, under a contract and paid through capitation rates with the State.

''(3) SELF-DIRECTED MODELS FOR THE DELIVERY OF SERVICES.—As conditions for receipt of the increase under paragraph (1)(B) to the Federal medical assistance percentage determined for a State, with respect to a fiscal year quarter, the State shall establish directly, or by contract with 1 or more entities, including an agency with choice or a similar service delivery model, a program for the performance of all of the following functions to facilitate beneficiary use of self-directed care in the case the State covers home and community-based services under authorities that permit self-direction:

''(A) Registering qualified direct care workers and assisting beneficiaries in finding direct care workers.

''(B) Undertaking activities to recruit and train independent providers to enable beneficiaries to direct their own care, including by providing or coordinating training for beneficiaries on self-directed care.

''(C) Ensuring the safety of, and supporting the quality of, care provided to beneficiaries.

''(D) Facilitating coordination between State and local agencies and direct care workers for matters of public health, training opportunities, changes in program requirements, workplace health and safety, or related matters.

''(E) Supporting beneficiary hiring, if selected by the beneficiary, of independent providers of home and community-based services, including by processing applicable tax information, collecting and processing timesheets, submitting claims and processing payments to such providers.

''(F) To the extent a State permits beneficiaries to hire a family member or individual with whom they have an existing relationship to provide home and community-based services, providing support to beneficiaries who wish to hire a caregiver who is a family member or individual with whom they have an existing relationship.

''(G) Ensuring that the program under this paragraph does not promote or deter the ability of workers to form a labor organization or discriminate against workers who may join or decline to join such an organization.

''(4) REPORTING AND OVERSIGHT.—As conditions for receipt of the increase under paragraph (1) to the Federal medical assistance percentage determined for a State, with respect to a fiscal year quarter, the State shall meet each of the following requirements:

''(A) The State designates (by a date specified by the Secretary) an HCBS ombudsman office (or a long-term care ombudsman program office) that—

''(i) operates independently from the State Medicaid agency and health plans;

''(ii) provides direct assistance to recipients of home and community-based services available under the State Medicaid program and their families; and

''(iii) identifies and reports systemic problems to State officials, the public, and the Secretary.

''(B) Beginning with the last day of the 5th fiscal quarter for which the state is an HCBS program improvement State, and annually thereafter, the State reports to the Secretary, in a manner the Secretary shall prescribe, on the progress of implementation of the activities described in subparagraphs (C) and (D) of paragraph (2), paragraph (3) (if applicable), the use of enhanced Federal funding provided under this subsection, and progress with respect to home and community-based services availability, utilization, disparities in access and use of services, spending on HCBS, and the status of the direct care workforce.

''(5) BENCHMARKS FOR DEMONSTRATING IMPROVEMENTS.—An HCBS program improvement State shall cease to be eligible for an increase in the Federal medical assistance percentage under paragraph (1)(A)(i) or (1)(B) or an increase in

an applicable Federal matching percentage under paragraph (1)(A)(ii) on or after the first date on which a State is an HCBS program improvement State if the State is found to be out of compliance with the requirements of this subsection and unless, at the end of the 29th fiscal quarter, the State demonstrates the following in the annual report required in paragraph (4) for such quarter:

''(A) Increased availability (above a marginal increase) of home and community-based services in the State relative to such availability as reported in the State HCBS improvement plan and adjusted for demographic changes in the State since the submission of such plan.

''(B) With respect to the percentage of expenditures made by the State for long-term services and supports that are for home and community-based services, in the case of an HCBS program improvement State for which such percentage (as reported in the State HCBS improvement plan) was—

''(i) less than 50 percent, the State demonstrates that the percentage of such expenditures has increased to at least 50 percent since the plan was approved; and

''(ii) at least 50 percent, the State demonstrates that such percentage has not decreased since the plan was approved.

''(6) DEFINITIONS.—In this subsection, the terms 'State Medicaid plan', 'direct care worker', 'HCBS program improvement State', 'health plan'; and 'home and community-based services' have the meaning given those terms in section 30711(e) of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'.''.

SEC. 30713. FUNDING FOR FEDERAL ACTIVITIES RELATED TO MEDICAID HCBS.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $40,000,000, to remain available until expended, to carry out section 30712 (including the amendments made by such section), including by issuing necessary guidance and technical assistance to States, conducting program integrity and oversight efforts, and preparing and submitting to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate, beginning 5 years after the date of the enactment of this Act and every three years thereafter, a report describing the progress of the HCBS planning and improvement activities undertaken by States as applicable and as described in sections 30711 and 30712 (including the amendments made by such sections), and describing the impact of such activities on access to care, including with respect to disparities in access and utilization, and the direct care workforce.

SEC. 30714. FUNDING FOR HCBS QUALITY MEASUREMENT AND IMPROVEMENT.

(a) INCREASED FEDERAL MATCHING RATE FOR ADOPTION AND REPORTING OF HCBS QUALITY MEASURES.—

(1) IN GENERAL.—Section 1903(a)(3) of the Social Security Act (42 U.S.C. 1396b(a)(3)) is amended—

(A) in subparagraph (F)(ii), by striking ''plus'' after the semicolon and inserting ''and''; and

(B) by inserting after subparagraph (F), the following:

''(G) 80 percent of so much of the sums expended during such quarter as are attributable to the reporting of information regarding the quality of home and community-based services in accordance with sections 1139A(a)(4)(B)(ii) and 1139B(b)(3)(C); and''.

(2) EXEMPTION FROM TERRITORIES' PAYMENT LIMITS.—Section 1108(g)(4) of the Social Security Act is amended by adding at the end the following new subparagraph:

''(C) ADDITIONAL EXEMPTION RELATING TO HCBS QUALITY REPORTING.—Payments under section 1903(a)(3)(G) shall not be taken into account in applying payment limits under subsections (f) and (g) of this subsection.''.

(b) HCBS QUALITY MEASURES FOR INCREASE.—Title XI of the Social Security Act (42 U.S.C. 1301 through 1320e–3) is amended—

(1) in section 1139A—

(A) in subsection (a)(4)(B)—

(i) by striking ''Beginning with the annual State report on fiscal year 2024'' and inserting the following:

''(i) IN GENERAL.—Subject to clause (ii), beginning with the annual State report on fiscal year 2024''; and

(ii) by adding at the end the following new clause:

''(ii) REPORTING HCBS QUALITY MEASURES.—With respect to reporting on information regarding the quality of home and community-based services provided to children under title XIX or title XXI, beginning with the annual State report required under subsection (c)(1) for the first fiscal year that begins on or after the date that is 2 years after the date that the Secretary publishes the home and community-based services quality measures developed under subsection (b)(5)(B) the Secretary shall require States to report such information using the standardized format for reporting information and procedures developed under subparagraph (A) and using all such home and community-based quality measures developed under subsection (b)(5) (including any updates or changes to such measures).''; and

(B) in subsection (b)(5)—

(i) by striking ''Beginning no later than January 1, 2013'' and inserting the following:

''(A) IN GENERAL.—Beginning no later than January 1, 2013''; and

(ii) by adding at the end the following new subparagraph:

''(B) HCBS QUALITY MEASURES.—Beginning with the first year that begins on the date that is 2 years after the date of enactment of this subparagraph (or, in the case of measures that require development and testing prior to availability, not later than 4 years after the date of enactment of this subparagraph), the requirements of subparagraph (A) shall apply, and the core measures described in subsection (a) (and any updates or changes to such measures) shall include home and community-based services quality measures developed by the Secretary. The Secretary shall ensure that such measures reflect the full array of home and community-based services, and consult with nongovernmental stakeholders with expertise in home and community-based services (including recipients and providers of such services).'';

(C) in subsection (b)(6)—

(i) by inserting ''or support services'' before ''that is capable of'';

(ii) by striking ''and ambulatory health care settings'' and inserting '', ambulatory health care, and home and community-based settings''; and

(iii) by inserting ''and home and community-based'' before ''care system''; and

(D) in subsection (c)(1), in the matter preceding subparagraph (A), by inserting '', subject to subsection (a)(4)(B)(ii),'' before ''annually report''; and

(2) in section 1139B—

(A) in subsection (b)—

(i) in paragraph (3), by adding at the end the following new subparagraph:

''(C) MANDATORY REPORTING WITH RESPECT TO HCBS QUALITY MEASURES.—Beginning with the State report required under subsection (d)(1) for the first year that begins on or after the date that is 2 years after the date that the Secretary publishes the home and community-based quality measures developed under paragraph (5)(D), the Secretary shall require States to report information, using the standardized format for reporting information and procedures developed under subparagraph (A), regarding the quality of home and community-based services for Medicaid eligible adults using all of the home and community-based services quality measures included in the core set of adult health quality measures under paragraph (5)(D), and any updates or changes to such measures.''; and

(ii) in paragraph (5), by adding at the end the following new subparagraph:

''(D) HCBS QUALITY MEASURES.—

''(i) FUNDING.—In addition to amounts otherwise available, there is appropriated to the Secretary, for fiscal year 2022, to be available until expended, out of any money in the Treasury not otherwise appropriated, $22,000,000, for carrying out this subparagraph.

''(ii) INCLUSION OF HCBS QUALITY MEASURES.—Beginning with respect to State reports required under subsection (d)(1) for the first year that begins on or after the date that is 2 years after the date of enactment of this subparagraph (or, in the case of measures that require development and testing prior to availability, not later than 4 years after the date of enactment of this subparagraph) the core set of adult health quality measures maintained under this paragraph (and any updates or changes to such measures) shall include home and community-based services quality measures developed in accordance with this subparagraph.

''(iii) REQUIREMENTS.—

''(I) IN GENERAL.—In developing, reviewing and updating the home and community-based services quality measures included in the core set of adult health quality measures maintained under this paragraph, the Secretary shall consult with nongovernmental stakeholders with expertise in home and community-based services (including recipients and providers of such services) and ensure such measures reflect the full array of home and community-based services and recipients of such services.

''(II) DEFINITION.—For purposes of this section and section 1139A, the term 'home and community-based services' has the meaning given such term in section 30711(e) of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'.''; and

(B) in subsection (d)(1)(A), by striking ''; and'' and inserting ''and, beginning with the report for the first year that begins after the date that is 2 years after the Secretary publishes the home and community-based quality measures developed under subsection (b)(5)(D), all home and community-based services quality measures included in the core set of adult health quality measures maintained under subsection (b)(5) and any updates or changes to such measures; and''.

SEC. 30715. PERMANENT EXTENSION OF MEDICAID PROTECTIONS AGAINST SPOUSAL IMPOVERISHMENT FOR RECIPIENTS OF HOME AND COMMUNITY-BASED SERVICES.

(a) IN GENERAL.—Section 1924(h)(1)(A) of the Social Security Act (42 U.S.C. 1396r–5(h)(1)(A)) is amended by striking ''(at the option of the State) is described in section 1902(a)(10)(A)(ii)(VI)'' and inserting the following: ''is eligible for medical assistance for home and community-based services provided under subsection (c), (d), or (i) of section 1915 or under a waiver approved under section 1115, or who is eligible for such medical assistance by reason of being determined eligible under section 1902(a)(10)(C) or by reason of section 1902(f) or otherwise on the basis of a reduction of income based on costs incurred for medical or other remedial care, or who is eligible for medical assistance for home and community-based attendant services and supports under section 1915(k)''.

(b) CONFORMING AMENDMENT.—Section 2404 of the Patient Protection and Affordable Care Act (42 U.S.C. 1396r–5 note) is amended by striking ''September 30, 2023'' and inserting ''the date of the enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14' ''.

SEC. 30716. PERMANENT EXTENSION OF MONEY FOLLOWS THE PERSON REBALANCING DEMONSTRATION.

(a) IN GENERAL.—Subsection (h) of section 6071 of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended—

(1) in paragraph (1)—

(A) in subparagraph (I), by inserting ''and'' after the semicolon;

(B) by amending subparagraph (J) to read as follows:

''(J) $450,000,000 for each fiscal year after fiscal year 2022.'';

(C) by striking subparagraph (K);

(2) in paragraph (2), by striking ''September 30, 2023'' and inserting ''September 30 of the subsequent fiscal year''; and

(3) by adding at the end the following new paragraph:

''(3) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022 and for each subsequent 3-year period, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until expended, for carrying out subsections (f), (g), and (i).''.

(b) REDISTRIBUTION OF UNEXPENDED GRANT AWARDS.—Subsection (e)(2) of section 6071 of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended by adding at the end the following new sentence: ''Any portion of a State grant award for a fiscal year under this section that is unexpended by the State at the end of the fourth succeeding fiscal year shall be rescinded by the Secretary and added to the appropriation for the fifth succeeding fiscal year.''.

SEC. 30717. FUNDING TO IMPROVE THE ACCURACY AND RELIABILITY OF CERTAIN SKILLED NURSING FACILITY DATA.

Section 1888 of the Social Security Act (42 U.S.C. 1395yy) is amended—

(1) in subsection (h)(12)—

(A) in subparagraph (A), by striking ''and the data submitted under subsection (e)(6) a process to validate such measures and data'' and inserting '', the data submitted under subsection (e)(6), and, during the period beginning with fiscal year 2024 and ending with fiscal year 2031, the resident assessment data described in section 1819(b)(3) and the direct care staffing information described in section 1128I(g) a process to validate such measures, data, and information''; and

(B) in subparagraph (B)—

(i) by striking ''FUNDING.—For purposes'' and inserting ''FUNDING.—

''(i) FISCAL YEARS 2023 THROUGH 2025.—For purposes''; and

(ii) by adding at the end the following new clause:

''(ii) ADDITIONAL FUNDING.—There is appropriated to the Secretary, out of any monies in the Treasury not otherwise appropriated, $50,000,000 for fiscal year 2022, to remain available through fiscal year 2031, for purposes of carrying out this paragraph.''; and

(2) in subsection (e)(6)(A)—

(A) in the header, by striking ''FOR FAILURE TO REPORT''; and

(B) in clause (i)—

(i) by striking ''For fiscal years beginning with fiscal year 2018, in the case of a skilled nursing facility that does not submit'' and inserting the following:

''(I) FAILURE TO REPORT.—For fiscal years beginning with fiscal year 2018, in the case of a skilled nursing facility that does not submit quality measure data specified by the Secretary and''; and

(ii) by adding at the end the following new subclause:

''(II) REPORTING OF INACCURATE INFORMATION.—For fiscal years during the period beginning with fiscal year 2026 and ending with fiscal year 2031, in the case of a skilled nursing facility that submits data under this paragraph, measures under subsection (h), resident assessment data described in section 1819(b)(3), or direct care staffing information described in section 1128I(g) with respect to such fiscal year that is inaccurate (as determined by the Secretary through the validation process described in section 1888(h)(12) or otherwise), after determining the percentage described in paragraph (5)(B)(i), and after application of clauses (ii) and (iii) of paragraph (5)(B) and of subclause (I) of this clause (if applicable), the Secretary shall reduce such percentage for payment rates during such fiscal year by 2 percentage points.''.

SEC. 30718. ENSURING ACCURATE INFORMATION ON COST REPORTS.

Section 1888(f) of the Social Security Act (42 U.S.C. 1395yy(f)) is amended by adding at the end the following new paragraph:

''(5) AUDIT OF COST REPORTS.—There is appropriated to the Secretary, out of any monies in the Treasury not otherwise appropriated, $250,000,000 for fiscal year 2022, to remain available through fiscal year 2031, for purposes of conducting an annual audit (beginning with 2023 and ending with 2031) of cost reports submitted under this title for a representative sample of skilled nursing facilities.''.

SEC. 30719. SURVEY IMPROVEMENTS.

Section 1819 of the Social Security Act (42 U.S.C. 1395i–3) is amended by adding at the end the following new subsection:

''(l) SURVEY IMPROVEMENTS.—

''(1) IN GENERAL.—There is appropriated to the Secretary, out of any monies in the Treasury not otherwise appropriated, $325,000,000 for fiscal year 2022, to remain available through fiscal year 2031, for purposes of—

''(A) conducting reviews and identifying plans under paragraph (2); and

''(B) providing training, tools, technical assistance, and financial support in accordance with paragraph (3).

''(2) REVIEW.—The Secretary shall conduct reviews, during the period specified in paragraph (1), of (and, as appropriate, identify plans to improve) the following:

''(A) The extent to which surveys conducted under subsection (g) and the enforcement process under subsection (h) result in increased compliance with requirements under this section and subpart B of part 483 of title 42, Code of Federal Regulations, with respect to skilled nursing facilities (in this subsection referred to as 'facilities').

''(B) The timeliness and thoroughness of State agency verification of deficiency corrections at facilities.

''(C) The accuracy of the identification and appropriateness of the scope and severity of deficiencies cited at facilities.

''(D) The accuracy of the identification and appropriateness of the scoping and severity of life safety, infection control, and emergency preparedness deficiencies cited at facilities.

''(E) The timeliness of State agency investigations of—

''(i) complaints at facilities;

''(ii) facility-reported incidents at facilities; and

''(iii) reported allegations of abuse, neglect, and exploitation at facilities.

''(F) The consistency of facility reporting of substantiated complaints to law enforcement.

''(G) The ability of the State agency to sufficiently hire, train, and retain individuals who conduct surveys.

''(H) Any other area related to surveys of facilities, or the individuals conducting such surveys, determined appropriate by the Secretary.

''(3) SUPPORT.—Based on the review under paragraph (2), the Secretary shall, during the period specified in paragraph (1), provide training, tools, technical assistance, and financial support to State and Federal agencies that perform surveys of facilities for the purpose of improving the surveys conducted under subsection (g) and the enforcement process under subsection (h) with respect to the areas reviewed under paragraph (2).''.

SEC. 30720. NURSE STAFFING REQUIREMENTS.

Section 1819(d) of the Social Security Act (42 U.S.C. 1395i–3(d)) is amended—

(1) in paragraph (4)(A), by inserting ''and any regulations promulgated under paragraph (5)(C)'' after ''section 1124''; and

(2) by adding at the end the following new paragraph:

''(5) NURSE STAFFING REQUIREMENTS.—

''(A) FUNDING.—There is appropriated to the Secretary, out of any monies in the Treasury not otherwise appropriated, $50,000,000 for fiscal year 2022, to remain available through fiscal year 2031, for purposes of carrying out this paragraph.

''(B) STUDY.—Not later than 3 years after the date of the enactment of this paragraph, and not less frequently than once every 5 years thereafter, the Secretary shall, out of funds appropriated under subparagraph (A), conduct a study and submit to Congress a report on the appropriateness of establishing minimum staff to resident ratios for nursing staff for skilled nursing facilities. Each such report shall include—

''(i) with respect to the first such report, recommendations regarding appropriate minimum ratios of registered nurses (and, if practicable, licensed practical nurses (or licensed vocational nurses) and certified nursing assistants) to residents at such skilled nursing facilities; and

''(ii) with respect to each subsequent such report, recommendations regarding appropriate minimum ratios of registered nurses, licensed practical nurses (or licensed vocational nurses), and certified nursing assistants to residents at such skilled nursing facilities.

''(C) PROMULGATION OF REGULATIONS.—

''(i) IN GENERAL.—Not later than 1 year after the Secretary first submits a report under subparagraph (B), the Secretary shall, out of funds appropriated under subparagraph (A)—

''(I) specify through regulations, consistent with such report, appropriate minimum ratios (if any) of registered nurses (and, if practicable, licensed practical nurses (or licensed vocational nurses) and certified nursing assistants) to residents at skilled nursing facilities; and

''(II) except as provided in clause (ii), require such skilled nursing facilities to comply with such ratios.

''(ii) EXCEPTION.—

''(I) IN GENERAL.—In addition to the authority to waive the application of clause (i)(II) under section 1135, the Secretary may waive the application of such clause with respect to a skilled nursing facility if the Secretary finds that—

''(aa) the facility is located in a rural area and the supply of skilled nursing facility services in such area is not sufficient to meet the needs of individuals residing therein;

''(bb) the Secretary provides notice of the waiver to the State long-term care ombudsman (established under section 307(a)(12) of the Older Americans Act of 1965) and the protection and advocacy system in the State for the mentally ill; and

''(cc) the facility that is granted such a waiver notifies residents of the facility (or, where appropriate, the guardians or legal representatives of such residents) and members of their immediate families of the waiver.

''(II) RENEWAL.—Any waiver in effect under this clause shall be subject to annual renewal.

''(iii) UPDATE.—Not later than 1 year after the submission of each subsequent report under subparagraph (B), the Secretary shall, out of funds appropriated under subparagraph (A) and consistent with such report, update the regulations described in clause (i)(I) to reflect appropriate minimum ratios (if any) of registered nurses, licensed practical nurses (or licensed vocational nurses), and certified nursing assistants to residents at skilled nursing facilities.''.

PART 2—EXPANDING ACCESS TO MATERNAL HEALTH

SEC. 30721. EXTENDING CONTINUOUS COVERAGE FOR PREGNANT AND POSTPARTUM INDIVIDUALS.

(a) MEDICAID.—

(1) REQUIRING FULL BENEFITS FOR PREGNANT AND POSTPARTUM INDIVIDUALS FOR 12-MONTH PERIOD POST PREGNANCY.—

(A) IN GENERAL.—Paragraph (5) of section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) is amended—

(i) by striking ''(5) A woman who'' and inserting ''(5)(A) For any fiscal year quarter (beginning with the first fiscal year quarter beginning one year after the date of the enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14') with respect to which subparagraph (B) does not apply, an individual who''; and

(ii) by adding at the end the following new subparagraph:

''(B) For any fiscal year quarter (beginning with the first fiscal year quarter beginning one year after the date of the enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'), any individual who, while pregnant, is eligible for and received medical assistance under the State plan or a waiver of such plan (regardless of the basis for the individual's eligibility for medical assistance and including during a period of retroactive eligibility under subsection (a)(34)), shall remain eligible, notwithstanding section 1916(c)(3) or any other limitation under this title, for medical assistance through the end of the month in which the 12-month period (beginning on the last day of pregnancy of the individual) ends, and such medical assistance shall be in accordance with clauses (i) and (ii) of paragraph (16)(B).''.

(B) CONFORMING AMENDMENTS.—Title XIX of the Social Security Act (42 U.S.C. 1396 through 1396w-6) is amended—

(i) in section 1902(a)(10), in the matter following subparagraph (G), by striking ''(VII) the medical assistance'' and all that follows through '', (VIII)'' and inserting ''(VIII)'';

(ii) in section 1902(e)(6), by striking ''In the case of'' and inserting ''For any fiscal year quarter with respect to which paragraph (5)(B) does not apply, in the case of'';

(iii) in section 1902(l)(1)(A), by striking ''60-day period'' and inserting ''12-month period (or, for any fiscal year quarter with respect to which subsection (e)(5)(B) does not apply and for which the State has not adopted the option under section 1902(e)(16)(A), 60-day period)'';

(iv) in section 1903(v)(4)—

(I) in subparagraph (A)(i), by striking ''the 60-day period'' and inserting ''the applicable period (as described in subparagraph (D))'';

(II) in subparagraph (A)(ii), by striking the period and inserting '', and, in the case of such an individual who is or becomes pregnant, such individual (regardless of age) during pregnancy and during the applicable period (as described in subparagraph (D)).'';

(III) by adding at the end the following new subparagraph:

''(D) For purposes of subparagraph (A), the applicable period described in this subparagraph is—

''(i) beginning with the first fiscal year quarter that begins one year after the date of the enactment of the American Rescue Plan Act of 2021, for a State that has adopted the option under section 1902(e)(16)(A), the 12-month period;''; and

(IV) in the subparagraph (D) added by subclause (III), by adding at the end the following new clauses:

''(ii) beginning with the first fiscal year quarter beginning one year after the date of the enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', the 12-month period; and

''(iii) for any fiscal year quarter (beginning with such first fiscal year quarter) with respect to which section 1902(e)(5)(B) does not apply and for which the State has not adopted the option under section 1902(e)(16)(A), the 60-day period.'';

(v) in section 1905(a), in the 4th sentence in the matter following paragraph (31), by striking ''60-day period'' and inserting ''12-month period (or, for any fiscal year quarter with respect to which section 1902(e)(5)(B) does not apply and for which the State has not adopted the option under section 1902(e)(16)(A), 60-day period)''; and

(vi) in section 1905(y), by adding at the end the following new paragraph:

''(3) TREATMENT FOR CERTAIN INDVIDUALS.—Notwithstanding paragraphs (1) and (2), section 1902(a)(10)(A)(i)(III), and section 1902(a)(10)(A)(i)(IV), the term 'newly eligible' in paragraph (2)(A) and the phrase 'newly eligible individuals described in subclause (VIII) of section 1902(a)(10)(A)(i)' in paragraph (1) shall apply to individuals who but for the amendments made by section 30721(a) of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14' would be eligible under the State plan (or waiver) for medical assistance under section 1902(a)(10)(A)(i)(VIII) for the period beginning on the first day occurring after the end of such 60-day period and ending on the last day of the month in which the 12-month period (beginning on the last day of the pregnancy) ends.''.

(2) TRANSITION FROM STATE OPTION.—

(A) IN GENERAL.—Section 1902(e)(16)(A) of the Social Security Act (42 U.S.C. 1396a(e)(16)(A)) is amended by striking ''At the option of the State'' and inserting ''For any fiscal year quarter with respect to which paragraph (5)(B) does not apply, at the option of the State''.

(B) CONFORMING AMENDMENT.—Section 9812(b) of the American Rescue Plan Act of 2021 (Public Law 117–2) is amended by striking ''during the 5-year period''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the amendments made by this paragraph shall take effect on the 1st day of the 1st fiscal year quarter that begins one year after the date of the enactment of this Act and shall apply with respect to medical assistance provided on or after such date.

(B) EXCEPTION FOR CERTAIN AMERICAN RESCUE PLAN ACT OF 2021 CONFORMING AMENDMENTS.—The amendments made by subclauses (I), (II), and (III) of paragraph (1)(B)(iv) shall take effect on the first day of the first fiscal year quarter that begins one year after the date of the enactment of the American Rescue Plan Act of 2021 and shall apply with respect to medical assistance provided on or after such date.

(C) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 through 1396w-6) that the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet any requirement imposed by amendments made by this subsection, the plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet such a requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

(b) CHIP.—

(1) REQUIRING FULL BENEFITS FOR PREGNANT AND POSTPARTUM WOMEN FOR 12-MONTH PERIOD POST PREGNANCY.—

(A) IN GENERAL.—Section 2107(e)(1)(J) of the Social Security Act (42 U.S.C. 1397gg(e)(1)(J)) is amended—

(i) by striking ''Paragraphs (5) and (16)'' and inserting ''(i) For any fiscal year quarter with respect to which paragraph (5)(B) of section 1902(e) does not apply, paragraphs (5)(A) and (16) of such section''; and

(ii) by adding at the end the following new clause:

''(ii) For any fiscal year quarter (beginning with the first fiscal year quarter beginning one year after the date of the enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'), section 1902(e)(5)(B) (requiring, notwithstanding section 2103(e)(3)(C)(ii)(I) or any other limitation under this title, continuous coverage for pregnant and postpartum individuals, including 12 months postpartum, of medical assistance) if the State provides child health assistance to targeted low-income children or pregnancy-related assistance to targeted low-income pregnant women, under the State child health plan or waiver, including coverage of all items or services provided to a targeted low-income child or targeted low-income pregnant woman (as applicable) under the State child health plan or waiver).''.

(B) CONFORMING AMENDMENTS.—Section 2112 of the Social Security Act (42 U.S.C. 1397ll) is amended—

(i) in subsection (d)—

(I) in paragraph (1), by inserting ''and includes, through application of section 1902(e)(5)(B) pursuant to section 2107(e)(1)(J)(ii), continuous coverage for pregnant and postpartum individuals, including 12 months postpartum'' before the period at the end; and

(II) in paragraph (2)(A), by striking ''60-day period'' and all that follows through ''ends'' and inserting ''12-month period (or, for any fiscal year quarter with respect to which section 2107(e)(1)(J)(ii) does not apply and for which the State has not adopted the option under section 1902(e)(16)(A), 60-day period) ends''; and

(ii) in subsection (f)(2), by striking ''60-day period'' and inserting ''12-month period (or, for any fiscal year quarter (beginning with the first fiscal year quarter beginning one year after the date of the enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14') with respect to which section 2107(e)(1)(J)(ii) does not apply and for which the State has not adopted the option under section 1902(e)(16)(A), 60-day period)''.

(2) TRANSITION FROM STATE PLAN OPTION.—Section 9822(b) of the American Rescue Plan Act of 2021 (Public Law 117–2) is amended by striking '', during the 5-year period''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendments made by this subsection shall take effect on the 1st day of the 1st fiscal year quarter that begins one year after the date of the enactment of this Act and shall apply with respect to child health assistance and pregnancy-related assistance, as applicable, provided on or after such date.

(B) EXCEPTION FOR STATE LEGISLATION.—In the case of a State child health plan under title XXI of the Social Security Act (42 U.S.C. 1397aa through 1397mm) that the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet any requirement imposed by amendments made under this subsection, the plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet such a requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

SEC. 30722. STATE OPTION TO PROVIDE COORDINATED CARE THROUGH A MATERNAL HEALTH HOME FOR PREGNANT AND POSTPARTUM INDIVIDUALS.

Title XIX of the Social Security Act (42 U.S.C. 1396a) is amended by inserting after section 1945A the following new section:

''SEC. 1945B. STATE OPTION TO PROVIDE COORDINATED CARE THROUGH A MATERNAL HEALTH HOME FOR PREGNANT AND POSTPARTUM INDIVIDUALS.

''(a) IN GENERAL.—Notwithstanding section 1902(a)(1) (relating to statewideness) and section 1902(a)(10)(B) (relating to comparability), beginning 24 months after the date of enactment of this section, a State, at its option as a State plan amendment, may provide for medical assistance under this title to eligible individuals who choose to enroll in a maternal health home under this section and receive maternal health home services from a designated provider, a team of health professionals operating with such a provider, or a health team.

''(b) MATERNAL HEALTH HOME QUALIFICATION STANDARDS.—A maternal health home under this section shall demonstrate to the State the ability to do the following:

''(1) Develop an individualized comprehensive care plan for each eligible individual, working in a culturally and linguistically appropriate manner with such individual to develop and incorporate such care plan in a manner consistent with such individual's needs and choices, including—

''(A) primary care;

''(B) inpatient care;

''(C) social support services;

''(D) local hospital emergency care;

''(E) care management and planning related to a change in an eligible individual's eligibility for medical assistance or a change in health insurance coverage as needed; and

''(F) behavioral health services.

''(2) Coordinate all necessary services to support prenatal, labor and delivery, and postpartum care for eligible individuals.

''(3) Coordinate access to specialists, behavioral health providers, early intervention services, and pediatricians.

''(4) Collect and report information under subsection (d).

''(c) PAYMENTS.—

''(1) IN GENERAL.—A State shall provide a designated provider, a team of health professionals operating with such a provider, or a health team with payments for the provision of maternal health home services to each eligible individual enrolled in a maternal health home. Payments for maternal health home services made to a designated provider, a team of health professionals operating with such a provider, or a health team shall be treated as payments for medical assistance for purposes of section 1903(a), except that, during the first 8 fiscal quarters that the State plan amendment is in effect, the Federal medical assistance percentage otherwise applicable to such payments shall be increased by 15 percentage points, not to exceed 90 percent.

''(2) METHODOLOGY.—

''(A) IN GENERAL.—The State shall specify in the State plan amendment the methodology the State will use for determining payment for the provision of maternal health home services. Such methodology for determining payment—

''(i) may be tiered or adjusted to reflect, with respect to each individual provided such services by a designated provider, a team of health care professionals operating with such a provider, or a health team, the acuity of each individual receiving care, or the specific capabilities of the provider, team of health care providers, or health team; and

''(ii) shall be established consistent with section 1902(a)(30)(A).

''(B) ALTERNATE MODEL OF PAYMENT.—The methodology for determining payment for provision of maternal health home services under this section shall not be limited to a fee-for-service or per-member per-month payment model, and may provide for alternate models of payment that reflect the needs of a State, subject to the approval of the Secretary.

''(3) PLANNING GRANTS.—

''(A) IN GENERAL.—Beginning 12 months after the date of enactment of this section, the Secretary may award planning grants to States for purposes of developing a State plan amendment under this section. A planning grant awarded to a State under this paragraph shall remain available until expended.

''(B) STATE CONTRIBUTION.—A State awarded a planning grant shall contribute an amount equal to the State percentage determined under section 1905(b) for each fiscal year for which the grant is awarded.

''(C) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until expended, to carry out this paragraph, $5,000,000 for awarding grants under this section.

''(d) DATA COLLECTION AND REPORTING.—

''(1) PROVIDER REPORTING REQUIREMENTS.—

''(A) IN GENERAL.—In order to receive payments from a State under subsection (c), a designated provider, a team of health professionals operating with such a provider, or a health team shall report to the State, in accordance with such requirements as the Secretary shall specify, the following:

''(i) With respect to each such designated provider, team of health professionals, or health team, the name, national provider identification number, address, and specific maternal health home services offered to be provided to eligible individuals who have selected such designated provider, team of health professionals, or health team as the maternal health home of such eligible individuals.

''(ii) Information on all applicable measures for determining the quality of maternal health home services provided by such designated provider, team of health professionals, or health team, including, to the extent applicable, the core set of child health quality measures published under section 1139A, the core set of adult health quality measures for Medicaid eligible adults published under section 1139B, and maternal health quality measures.

''(B) USE OF HEALTH INFORMATION TECHNOLOGY.—A designated provider, a team of health professionals operating with such a provider, or a health team shall use, to the extent practicable, health information technology to provide a State with the information required under subparagraph (A) and to improve care coordination for eligible individuals, such as by—

''(i) facilitating the review of person-centered care plans;

''(ii) monitoring service delivery and identifying gaps in treatment; and

''(iii) communicating with eligible individuals and with primary, behavioral health and specialty care providers.

''(2) STATE REPORTING REQUIREMENTS.—A State with a State plan amendment approved under this section shall collect and report to the Secretary, at such time and in such form and manner as required by the Secretary, the following information:

''(A) The number of maternal health homes in a State in which individuals are enrolled pursuant to a State plan amendment under this section.

''(B) The number of individuals served who selected a maternal health home, disaggregated by race and ethnicity, pursuant to a State plan amendment under this section.

''(C) Information on the quality measures applicable for maternal health home services, including, to the extent applicable, the core set of child health quality measures published under section 1139A, and the core set of adult health quality measures for Medicaid eligible adults published under section 1139B, and maternal health quality measures.

''(D) The type of delivery systems and payment models used to provide health home services to eligible individuals enrolled in a maternal health home under a State plan amendment under this section.

''(E) The number and characteristics of designated providers, teams of health professionals, and health teams selected as maternal health homes pursuant to a State plan amendment under this section.

''(F) Information on hospitalizations, morbidity, and mortality of eligible individuals and their infants enrolled in a maternal health home in such State alongside comparable data from a State's maternal mortality review committee.

''(G) A report on best practices for effective strategies in coordinating care to support access to comprehensive maternal health services.

''(H) Information reported to the State under paragraph (1).

''(e) STATE PLAN AMENDMENT.—

''(1) IN GENERAL.—A State plan amendment submitted pursuant to this section shall include—

''(A) eligibility criteria for maternal health homes;

''(B) services available to eligible individuals through the maternal health home;

''(C) a description of providers that may provide care through a maternal health home, and that include how such State will ensure any provider arrangement offered includes a person-centered planning approach to determining necessary services and supports and providing the appropriate care coordination to meet clinical and non-clinical needs of eligible individuals; and

''(D) reimbursement methodologies (as described in subsection (c)(2)).

''(2) HOSPITAL NOTIFICATION.—A State with a State plan amendment approved under this section shall require each hospital that is a participating provider under the State plan (or a waiver of such plan) to establish procedures for, in the case of an individual who is enrolled in a maternal health home pursuant to this section and seeks treatment in the emergency department of such hospital, notifying the health home of such individual of such treatment.

''(3) EDUCATION WITH RESPECT TO AVAILABILITY OF MATERNAL HEALTH HOME SERVICES.—In order for a State plan amendment to be approved under this section, a State shall include in the State plan amendment—

''(A) a description of the State's process for educating providers participating in the State plan (or a waiver of such plan) on the availability of maternal health home services, including the process by which such providers can refer individuals to a designated provider, team of health care professionals operating such a provider, or health team for the purpose of establishing a maternal health home through which such individuals may receive such services; and

''(B) a description of the State's process for educating individuals on the availability of such services.

''(4) CONFIDENTIALITY.—A State with a State plan amendment approved under this section shall establish confidentiality protections to ensure, at a minimum, that the State does not disclose any identifying information with respect to any specific mortality case (including pursuant to the reporting of information required under subsection (d)(2)(F)).

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

''(1) to require an eligible individual to enroll in, or prohibit an eligible individual from disenrolling at any time from, a maternal health home under this section; or

''(2) to require a designated provider, team of health professionals, or health team to act as a maternal health home and provide services in accordance with this section if the designated

provider, team of health professionals, or health team does not voluntarily agree to act as a maternal health home.

''(g) DEFINITIONS.—In this section:

''(1) DESIGNATED PROVIDER.—The term 'designated provider' means a physician, clinical practice or clinical group practice, rural health clinic, freestanding birth center, community health center, obstetrician gynecologist, midwife who meets at a minimum the international definition of the midwife and global standards for midwifery education as established by the International Confederation of Midwives, or any other health care entity or provider determined by the State and approved by the Secretary to be qualified to act as a maternal health home.

''(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual eligible for medical assistance under the State plan or under a waiver of such plan who—

''(A) is pregnant or in the postpartum period that begins on the last day of the pregnancy and ends on the last day of the month in which the 12-month period (beginning on the last day of the pregnancy of the individual) ends (or, if the State provides for a longer period of postpartum coverage period under such plan or waiver, on the last day of such longer period); and

''(B) is not enrolled in a health home under section 1945 or 1945A.

''(3) HEALTH TEAM.—The term 'health team' has the meaning given such term for purposes of section 3502 of Public Law 111–148.

''(4) MATERNAL HEALTH HOME.—The term 'maternal health home' means a designated provider (including a provider that operates in coordination with a team of health care professionals), or a health team selected by a State to provide maternal health home services to pregnant and postpartum individuals.

''(5) MATERNAL HEALTH HOME SERVICES.—

''(A) IN GENERAL.—The term 'maternal health home services' means comprehensive and timely high-quality services described in subparagraph (B) that are provided by a designated provider, a team of health professionals operating with such a provider, or a health team.

''(B) SERVICES DESCRIBED.—The services described in this subparagraph shall include—

''(i) a standardized risk assessment for all participants to determine needs;

''(ii) comprehensive care management;

''(iii) care coordination and health promotion;

''(iv) comprehensive transitional care, including arranging appropriate follow-up, for individuals transitioning from inpatient care to other settings;

''(v) individual and family support (including authorized representatives);

''(vi) making referrals to other medical, community, and social support services, if relevant; and

''(vii) the use of health information technology to link services and coordinate care, to the extent practicable.

''(6) STANDARDIZED RISK ASSESSMENT.—The term 'standardized risk assessment' means an assessment to determine the needs of an eligible individual, and shall include an assessment of medical, obstetric, behavioral health, and social needs performed at the initial prenatal or postpartum visit.

''(7) TEAM OF HEALTH PROFESSIONALS.—The term 'team of health professionals' means a team of health professionals (as described in the State plan amendment under this section) that may—

''(A) include physicians, midwives who meet at a minimum the international definition of the midwife and global standards for midwifery education as established by the International Confederation of Midwives, nurses, nurse care coordinators, nutritionists, social workers, doulas, behavioral health professionals, community health workers, translators and interpreters, and other professionals determined to be appropriate by the State;

''(B) a health care entity or individual who is designated to coordinate such a team; and

''(C) provide care at a facility that is freestanding, virtual, or based at a hospital, freestanding birth center, community health center, community mental health center, rural clinic, clinical practice or clinical group practice, academic health center, children's hospital, or any health care entity determined to be appropriate by the State and approved by the Secretary.''.

PART 3—TERRITORIES

SEC. 30731. INCREASING MEDICAID CAP AMOUNTS AND THE FEDERAL MEDICAL ASSISTANCE PERCENTAGE FOR THE TERRITORIES.

(a) CAP AMOUNT ADJUSTMENTS.—Section 1108(g)(2) of the Social Security Act (42 U.S.C. 1308(g)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)—

(i) by striking ''except as provided in clause (ii)'' and inserting ''for each of fiscal years 1999 through 2019''; and

(ii) by striking ''and'' at the end; and

(B) by adding at the end the following new clauses:

''(iii) for fiscal year 2022, $3,600,000,000; and

''(iv) for fiscal year 2023 and each subsequent year, the sum of the amount provided in this subsection for the preceding fiscal year, increased by the percentage increase, if any, in Medicaid spending under title XIX during the preceding year (as determined based on the most recent National Health Expenditure data with respect to such year), rounded to the nearest $100,000;'';

(2) in subparagraph (B)—

(A) in clause (i), by striking ''except as provided in clause (ii),'' and inserting ''for each of fiscal years 1999 through 2019,'';

(B) in clause (ii), by striking ''and'' at the end;

(C) by adding at the end the following:

''(iv) for fiscal year 2022, $135,000,000; and

''(v) for fiscal year 2023 and each subsequent year, the sum of the amount provided in this subsection for the preceding fiscal year, increased by the percentage increase described in subparagraph (A)(iv) for the preceding year, rounded to the nearest $10,000;'';

(3) in subparagraph (C)—

(A) in clause (i), by striking ''except as provided in clause (ii),'' and inserting ''for each of fiscal years 1999 through 2019,'';

(B) in clause (ii), by striking ''and'' at the end;

(C) by adding at the end the following:

''(iv) for fiscal year 2022, $140,000,000; and

''(v) for fiscal year 2023 and each subsequent year, the sum of the amount provided in this subsection for the preceding fiscal year, increased by the percentage increase described in subparagraph (A)(iv) for the preceding year, rounded to the nearest $10,000;'';

(4) in subparagraph (D)—

(A) in clause (i), by striking ''except as provided in clause (ii),'' and inserting ''for each of fiscal years 1999 through 2019,'';

(B) in clause (ii), by striking ''and'' at the end;

(C) in clause (iii), by striking ''and'' at the end; and

(D) by adding at the end the following new clauses:

''(iv) for fiscal year 2022, $70,000,000; and

''(v) for fiscal year 2023 and each subsequent year, the sum of the amount provided in this subsection for the preceding fiscal year, increased by the percentage increase described in subparagraph (A)(iv) for the preceding year, rounded to the nearest $10,000; and'';

(5) in subparagraph (E)—

(A) in clause (i), by striking ''except as provided in clause (ii),'' and inserting ''for each of fiscal years 1999 through 2019,'';

(B) in clause (ii), by striking ''and'' at the end;

(C) in clause (iii), by striking the period and inserting a semicolon; and

(D) by adding at the end the following:

''(iv) for fiscal year 2022, $90,000,000; and

''(v) for fiscal year 2023 and each subsequent year, the sum of the amount provided in this subsection for the preceding fiscal year, increased by the percentage increase described in subparagraph (A)(iv) for the preceding year, rounded to the nearest $10,000.''; and

(6) by striking the flush matter following subparagraph (E).

(b) FMAP ADJUSTMENTS.—Section 1905(ff) of the Social Security Act (42 U.S.C. 1396d(ff)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and adjusting the margins accordingly;

(2) by striking ''Notwithstanding'' and inserting the following:

''(1) IN GENERAL.—Notwithstanding'';

(3) in paragraph (1), as so inserted—

(A) in the matter preceding subparagraph (A), as so redesignated, by inserting ''paragraph (2) and'' after ''subject to'';

(B) in subparagraph (B), as so redesignated—

(i) by striking ''December 3, 2021,'' and inserting ''September 30, 2021''; and

(ii) by striking ''and'' at the end;

(C) in subparagraph (C), as so redesignated, by striking ''December 3, 2021,'' and inserting ''September 30, 2021'';

(D) by adding at the end the following:

''(D) for fiscal year 2022 and each subsequent fiscal year, the Federal medical assistance percentage for the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa shall be equal to 83 percent;

''(E) for fiscal year 2022, the Federal medical assistance percentage for Puerto Rico shall be equal to 76 percent; and

''(F) for fiscal year 2023 and each subsequent fiscal year, the Federal medical assistance percentage for Puerto Rico shall be equal to 83 percent.''; and

(4) by adding at the end the following new paragraph:

''(2) SPECIAL RULE FOR PUERTO RICO RELATING TO ESTABLISHING A PAYMENT FLOOR.—

''(A) IN GENERAL.—For each fiscal quarter (beginning with the first fiscal quarter beginning on or after the date of the enactment of this paragraph), Puerto Rico's State plan (or waiver of such plan) shall establish a reimbursement floor, implemented through a directed payment arrangement plan, for physician services that are covered under the Medicare part B fee schedule in the Puerto Rico locality established under section 1848(b) that is not less than 70 percent of the payment that would apply to such services if they were furnished under part B of title XVIII during such fiscal quarter.

''(B) APPLICATION TO MANAGED CARE.—In determining whether Puerto Rico has established a reimbursement floor under a directed payment arrangement plan that satisfies the requirements of subparagraph (A) for a fiscal quarter occurring during fiscal year 2022 or a subsequent fiscal year—

''(i) the Secretary shall disregard payments made under sub-capitated arrangements for services such as primary care case management; and

''(ii) if the reimbursement floor for physician services applicable under a managed care contract satisfies the requirements of subparagraph (A) for a fiscal quarter occurring during a year in which the contract is entered into or renewed, such reimbursement floor shall be deemed to satisfy such requirements for each subsequent fiscal quarter occurring during such year and for each fiscal quarter occurring during the subsequent fiscal year.

''(C) FMAP REDUCTION FOR FAILURE TO ESTABLISH PAYMENT FLOOR.—

''(i) IN GENERAL.—In the case that the Secretary determines that Puerto Rico has failed to meet the requirement of subparagraph (A) with

respect to a fiscal quarter, the Federal medical assistance percentage otherwise determined under this subsection for Puerto Rico shall be reduced for such quarter by the applicable number of percentage points described in clause (ii).

''(ii) APPLICABLE NUMBER OF PERCENTAGE POINTS.—For purposes of clause (i), the applicable number of percentage points described in this clause is, with respect to a fiscal quarter, the following:

''(I) In the case no reduction was made under this subparagraph for the preceding fiscal quarter, 0.5 percentage points.

''(II) In the case a reduction was made under this subparagraph for the preceding fiscal quarter, the number of percentage points of such reduction for such preceding fiscal quarter, plus 0.25 percentage points, except that in no case may the application of this subclause result in a reduction of more than 5 percentage points.''.

PART 4—OTHER MEDICAID

SEC. 30741. INVESTMENTS TO ENSURE CONTINUED ACCESS TO HEALTH CARE FOR CHILDREN AND OTHER INDIVIDUALS.

(a) PROVIDING FOR 1 YEAR OF CONTINUOUS ELIGIBILITY FOR CHILDREN.—

(1) UNDER THE MEDICAID PROGRAM.—

(A) IN GENERAL.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) is amended—

(i) in paragraph (12), by inserting ''before the date that is one year after the date of the enactment of paragraph (17)'' after ''subsection (a)(10)(A)''; and

(ii) by adding at the end following new paragraph:

''(17) 1 YEAR OF CONTINUOUS ELIGIBILITY FOR CHILDREN.—The State plan (or waiver of such State plan) shall provide that an individual who is under the age of 19 and who is determined to be eligible for benefits under a State plan (or waiver of such plan) approved under subsection (a)(10)(A) shall remain eligible for such benefits until the earlier of—

''(A) the end of the 12-month period beginning on the date of such determination;

''(B) the time that such individual attains the age of 19; or

''(C) the date that such individual ceases to be a resident of such State.''.

(B) EFFECTIVE DATE.—

(i) IN GENERAL.—Subject to clause (ii), the amendments made by subparagraph (A)(ii) shall take effect one year after the date of enactment of this Act.

(ii) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 through 1396w-6) that the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet any requirement imposed by amendments made under subparagraph (A)(ii), the plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet such a requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

(2) UNDER THE CHILDREN'S HEALTH INSURANCE PROGRAM.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) by redesignating subparagraphs (K) through (T) as subparagraphs (L) through (U), respectively; and

(B) by inserting after subparagraph (J) the following new subparagraph:

''(K) Section 1902(e)(17) (relating to 1 year of continuous eligibility for children).''.

(b) REVISIONS TO TEMPORARY INCREASE OF MEDICAID FMAP UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT.—Section 6008 of the Families First Coronavirus Response Act (42 U.S.C. 1396d note) is amended—

(1) in subsection (a)—

(A) by striking ''IN GENERAL.—Subject to'' and inserting ''TEMPORARY INCREASE.—

''(1) IN GENERAL.—Subject to'';

(B) in the paragraph (1) inserted by subparagraph (A)—

(i) by striking ''the last day of the calendar quarter in which the last day of such emergency period occurs'' and inserting ''September 30, 2022''; and

(ii) by striking ''6.2 percentage points'' and inserting ''the number of percentage points specified in paragraph (2) with respect to such calendar quarter''; and

(C) by adding at the end the following new paragraph:

''(2) PERCENTAGE POINTS SPECIFIED.—For purposes of paragraph (1), the number of percentage points specified in this paragraph is—

''(A) 6.2 percentage points with respect to each calendar quarter occurring during the period beginning on the first day of the emergency period defined in paragraph (1)(B) of section 1135(g) of the Social Security Act (42 U.S.C. 1320b-5(g)) and ending March 31, 2022;

''(B) 3.0 percentage points with respect to the calendar quarter beginning on April 1, 2022, and ending on June 30, 2022; and

''(C) 1.5 percentage points with respect to the calendar quarter beginning on July 1, 2022, and ending on September 30, 2022.'';

(2) in subsection (b)(3)—

(A) by striking ''the State fails'' and inserting ''subject to subsection (f), the State fails'';

(B) by striking ''and ending the last day of the month in which the emergency period described in subsection (a) ends'' and inserting ''and ending on March 31, 2022,''; and

(C) by striking ''through the end of the month in which such emergency period ends'' and inserting ''through September 30, 2022,''; and

(3) by adding at the end the following new subsection:

''(f) SPECIAL RULE FOR ENROLLMENTS AS OF APRIL 1, 2022.—For calendar quarters during the period described in subsection (a) that begin on or after April 1, 2022, a State described in such subsection may, in accordance with paragraph (3), terminate coverage for an individual who is determined to be no longer eligible for medical assistance and who has been enrolled for at least 12 consecutive months under the State plan of such State under title XIX of the Social Security Act (42 U.S.C. 1396) (or waiver of such plan), and such State shall not be ineligible for the increase to the Federal medical assistance percentage of the State described in such subsection on the basis that the State is in violation of the requirement of subsection (b)(3), if the State, with respect to such terminations of coverage conducted through September 30, 2022, for such individuals, is in compliance with each of the following:

''(1) The State shall conduct such eligibility redeterminations, with respect to such an individual, in accordance with the provisions of section 435.916 of title 42 of the Code of Federal Regulations (or any successor regulation) and the provisions of section 1943 of the Social Security Act, as applicable.

''(2) Prior to terminating coverage for an individual, the State shall undertake a good faith effort to ensure that the State has contact information (including an up-to-date mailing address, phone number, or email address) for such individuals by coordinating with Medicaid managed care organizations (where applicable), and other applicable State health and human services agencies.

''(3) The State may not disenroll from the State plan (or waiver) such an individual determined ineligible pursuant to such a redetermination for medical assistance under the State plan (or waiver) on the basis of returned mail unless—

''(A) there have been at least two failed attempts to contact such individual through at least 2 modalities; and

''(B) after the second attempt, the individual had 30 days notice, through at least 2 modalities, before such disenrollment takes effect.

''(4) The State may not initiate eligibility redeterminations for more than 1/12 of individuals enrolled in the State plan (or waiver) with respect to any month during the period beginning on April 1, 2022, and ending on September 30, 2022.

''(5) The State shall submit to the Secretary monthly reports during the period described in subsection (a) that begin on or after April 1, 2022 which the State receives an increase pursuant to such subsection period on the activities of the State, including, with respect to the period for which the report is submitted—

''(A) the number of eligibility renewals initiated, beneficiaries renewed, and individuals whose eligibility was terminated;

''(B) the number of such cases in which eligibility for medical assistance under the State plan (or waiver) were so terminated due to the individual's failure to return a renewal form or other information needed by the state to make an eligibility determination;

''(C) the number of such cases in which eligibility for medical assistance under the State plan (or waiver) were so terminated pursuant to such a redetermination due to a known change in circumstance;

''(D) the number of individuals whose coverage was terminated pursuant to such a redetermination whose accounts were, during such period, transitioned to the Exchange, CHIP, or basic health program; and

''(E) with respect to eligibility redeterminations, the daily average volume, wait times, and abandonment rate (as determined by the Secretary) for each call center during such month.''.

(c) MEDICAL ASSISTANCE UNDER MEDICAID FOR INMATES DURING 30-DAY PERIOD PRECEDING RELEASE.—

(1) IN GENERAL.—The subdivision (A) following paragraph (31) of section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended by inserting ''and, beginning on the first day of the first fiscal year quarter that begins two years after the date of the enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', except during the 30-day period preceding the date of release of an inmate of a public institution'' after ''medical institution''.

(2) CONFORMING AMENDMENTS IN TITLE XIX.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (74), by striking at the end ''and''; and

(B) in paragraph (84)—

(i) in subparagraph (A), by inserting '', except, beginning on the first day of the first fiscal year quarter that begins two years after the date of the enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', the State may not suspend coverage during the 30-day period preceding the date of release of the juvenile'' after ''during the period the juvenile is such an inmate''; and

(ii) in subparagraph (C), by striking ''upon release'' and inserting ''30 days prior to release''.

(3) CONFORMING AMENDMENT IN TITLE XXI.—Section 2110(b)(2) of the Social Security Act (42 U.S.C. 1397jj(b)(2))—

(A) in subparagraph (A), by striking at the end ''or'';

(B) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following new subparagraph:

''(C) except, beginning on the first day of the first fiscal year quarter that begins two years after the date of the enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14,' except during the 30-day period preceding the date of release of such child from such public institution.''.

(d) EXTENSION OF CERTAIN PROVISIONS.—

(1) EXPRESS LANE ELIGIBILITY OPTION.—Section 1902(e)(13) of the Social Security Act (42 U.S.C. 1396a(e)(13)) is amended by striking subparagraph (I).

(2) CONFORMING AMENDMENTS FOR ASSURANCE OF AFFORDABILITY STANDARD FOR CHILDREN AND FAMILIES.—Section 1902(gg)(2) of the Social Security Act (42 U.S.C. 1396a(gg)(2)) is amended—

(A) in the paragraph heading, by striking ''THROUGH SEPTEMBER 30, 2027''; and

(B) by striking ''through September 30'' and all that follows through ''ends on September 30, 2027'' and inserting ''(but beginning on October 1, 2019,''.

(e) EXPANSION OF COMMUNITY MENTAL HEALTH SERVICES DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—Section 223 of the Protecting Access to Medicare Act of 2014 (42 U.S.C. 1396a note) is amended—

(A) in subsection (c), by adding at the end the following new paragraph:

''(3) ADDITIONAL PLANNING GRANTS.—In addition to the planning grants awarded under paragraph (1), the Secretary shall award planning grants to States (other than States selected to conduct demonstration programs under paragraph (1) or (8) of subsection (d)) for the purpose of developing proposals to participate in time-limited demonstration programs described in subsection (d).'';

(B) in subsection (d)—

(i) in paragraph (3), by striking ''Subject to paragraph (8)'' and inserting ''Subject to paragraphs (8) and (9)'';

(ii) in paragraph (5)(C)(iii)(II), by inserting ''or paragraph (9)'' after ''paragraph (8)'';

(iii) in paragraph (7)—

(I) in subparagraph (A), by inserting ''through the year in which the last demonstration under this section ends'' after ''annually thereafter''; and

(II) in subparagraph (B)—

(aa) by striking ''December 31, 2021'' and inserting ''March 31, 2026'';

(bb) by striking ''recommendations concerning'' and all that follows through the period and inserting ''recommendations concerning whether and how the demonstration programs under this section should be modified.''; and

(cc) by adding at the end the following new sentence: ''Such recommendations shall be based on data collected from States selected to conduct demonstration programs under paragraph (1) and, to the extent available, data collected from States selected to conduct demonstration programs under paragraphs (8) and (9).''; and

(iv) by adding at the end the following new paragraph:

''(9) FURTHER ADDITIONAL PROGRAMS.—

''(A) IN GENERAL.—In addition to the States selected under paragraphs (1) and (8) and without regard to paragraph (4), the Secretary shall select any State that meets the requirements described in subparagraph (B) to conduct a demonstration program that meets the requirements of this subsection for 2 years.

''(B) REQUIREMENTS.—The requirements described in this subparagraph with respect to a State are that the State—

''(i) was awarded a planning grant under paragraph (1) or (3) of subsection (c); and

''(ii) submits an application (in addition to any application that the State may have previously submitted under this section) that meets the requirements of paragraph (2)(B).

''(C) REQUIREMENTS FOR SELECTED STATES.—The requirements applicable to States selected under paragraph (8) pursuant to subparagraph (C) of such paragraph shall apply in the same manner to States selected under this paragraph.'';

(C) in subsection (e), by amending paragraph (4) to read as follows:

''(4) STATE.—The term State means each of the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa.''; and

(D) in subsection (f)(1)—

(i) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(ii) in subparagraph (B), by striking the period and inserting '', and $40,000,000 for fiscal year 2022; and''; and

(iii) by adding at the end the following new subparagraph:

''(C) for purposes of updating the criteria under subsection (a) as needed for certified community behavioral health clinics and carrying out subsections (c)(3), (d)(7), and (d)(9) (including the provision of technical assistance to States applying for planning grants under subsection (c)(3) and conducting demonstration projects under this section), $5,000,000 for fiscal year 2022.''.

(2) EXCLUSION OF AMOUNTS ATTRIBUTABLE TO INCREASED FMAP FROM TERRITORIAL CAPS.—Section 1108 of the Social Security Act (42 U.S.C. 1308) is amended—

(A) in subsection (f), in the matter preceding paragraph (1), by striking ''subsections (g) and (h)'' and inserting ''subsections (g), (h), and (i)''; and

(B) by adding at the end the following:

''(i) EXCLUSION FROM CAPS OF AMOUNTS ATTRIBUTABLE TO ENHANCED FMAP FOR COMMUNITY MENTAL HEALTH SERVICES.—Any additional amount paid to Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa for expenditures for medical assistance that is attributable to an enhanced Federal medical assistance percentage applicable to such expenditures under section 223(d)(5) of the Protecting Access to Medicare Act of 2014 shall not be taken into account for purposes of applying payment limits under subsections (f) and (g).''.

(f) MAKING PERMANENT A STATE OPTION TO PROVIDE QUALIFYING COMMUNITY-BASED MOBILE CRISIS INTERVENTION SERVICES.—Section 1947 of the Social Security Act (42 U.S.C. 1396w–6) is amended—

(1) in subsection (a), by striking ''during the 5-year period'';

(2) in subsection (c), by striking ''occurring during the period described in subsection (a) that a State'' and inserting ''in which a State provides medical assistance for qualifying community-based mobile crisis intervention services under this section and''; and

(3) in subsection (d)(2)—

(A) in subparagraph (A), by striking ''for the fiscal year preceding the first fiscal quarter occurring during the period described in subsection (a)'' and inserting ''for the fiscal year preceding the first fiscal quarter in which the State provides medical assistance for qualifying community-based mobile crisis intervention services under this section''; and

(B) in subparagraph (B), by striking ''occurring during the period described in subsection (a)'' and inserting ''occurring during a fiscal quarter''.

(g) EXTENSION OF 100 PERCENT FEDERAL MEDICAL ASSISTANCE PERCENTAGE FOR URBAN INDIAN HEALTH ORGANIZATIONS AND NATIVE HAWAIIAN HEALTH CARE SYSTEMS.—The third sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(1) by striking ''for the 8 fiscal year quarters beginning with the first fiscal year quarter beginning after the date of the enactment of the American Rescue Plan Act of 2021'' and inserting ''for the period of the 16 fiscal year quarters that begins on April 1, 2021''; and

(2) by striking ''such 8 fiscal year quarters'' and inserting ''such period of 16 fiscal year quarters''.

(h) ENSURING ACCURATE PAYMENTS TO PHARMACIES UNDER MEDICAID.—

(1) IN GENERAL.—Section 1927(f) of the Social Security Act (42 U.S.C. 1396r–8(f)) is amended—

(A) by striking ''and'' after the semicolon at the end of paragraph (1)(A)(i) and all that precedes it through ''(1)'' and inserting the following:

''(1) DETERMINING PHARMACY ACTUAL ACQUISITION COSTS.—The Secretary shall conduct a survey of retail community pharmacy drug prices in the 50 States and the District of Columbia, to determine the national average drug acquisition cost, as follows:

''(A) USE OF VENDOR.—The Secretary may contract services for—

''(i) with respect to retail community pharmacies, the determination of retail survey prices of the national average drug acquisition cost for covered outpatient drugs based on a monthly survey of such pharmacies, net of all discounts and rebates (to the extent any information with respect to such discounts and rebates is available), the average reimbursement received for such drugs by such pharmacies from all sources of payment and, to the extent available, the usual and customary charges to consumers for such drugs; and'';

(B) by adding at the end of paragraph (1) the following:

''(F) SURVEY REPORTING.—A State shall require that any retail community pharmacy in the State that receives any payment, reimbursement, administrative fee, discount, or rebate related to the dispensing of covered outpatient drugs to individuals receiving benefits under this title or title XXI, regardless of whether such payment, fee, discount, or rebate is received from the State or a managed care entity directly or from a pharmacy benefit manager or another entity that has a contract with the State or a managed care entity or other specified entity (as such terms are defined in section 1903(m)(9)(D)), shall respond to surveys of retail prices conducted under this subsection with the specific information requested by the vendor.

''(G) SURVEY INFORMATION.—Information on retail community actual acquisition prices obtained under this paragraph shall be made publicly available and shall include at least the following:

''(i) The monthly response rate of the survey, including a list of pharmacies not in compliance with subparagraph (F) and the identification numbers for such pharmacies.

''(ii) The sampling frame and number of pharmacies sampled monthly.

''(iii) Characteristics of reporting pharmacies, including type (such as independent or chain), geographic or regional location, and dispensing volume.

''(iv) Reporting of a separate national average drug acquisition cost for each drug for independent retail pharmacies and chain pharmacies.

''(v) Information on price concessions including on and off invoice discounts, rebates, and other price concessions.

''(vi) Information on average professional dispensing fees paid.

''(H) PENALTIES.—

''(i) FAILURE TO PROVIDE TIMELY INFORMATION.—A retail community pharmacy that knowingly fails to respond to a survey conducted under this subsection on a timely basis may be subject to a civil monetary penalty in an amount not to exceed $10,000 for each day in which such information has not been provided. A retail community pharmacy shall not be subject to such penalty if the pharmacy makes a good faith effort to provide the information requested by the survey on a timely basis.

''(ii) FALSE INFORMATION.—A retail community pharmacy that knowingly provides false information in response to a survey conducted under this subsection may be subject to a civil money penalty in an amount not to exceed $100,000 for each item of false information.''; and

(C) in paragraph (4), by inserting '', and $7,000,000 for fiscal year 2023 and each fiscal year thereafter,'' after ''2010''.

(2) CONDITION FOR FEDERAL FINANCIAL PARTICIPATION.—Section 1903(i)(10) of the Social Security Act (42 U.S.C. 1396b(i)(10)) is amended—

(A) in subparagraph (D), by striking ''and'' after the semicolon;

(B) in subparagraph (E), by striking ''or'' after the semicolon and inserting ''and''; and

(C) by inserting after subparagraph (E), the following new subparagraph:

''(F) with respect to any amount expended for reimbursement to a retail community pharmacy under this title unless the State requires the retail community pharmacy to respond to surveys of retail prices conducted under section 1927(f) in accordance with paragraph (1)(F) of such section; or''.

(3) EFFECTIVE DATE.—The amendments made by this section take effect on the 1st day of the 1st quarter that begins on or after the date that is 18 months after the date of enactment of this Act.

(i) FUNDING FOR IMPLEMENTATION AND ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the Secretary, for fiscal year 2022, to be available until expended, out of any money in the Treasury not otherwise appropriated, $20,000,000, to provide technical assistance and guidance and cover administrative costs associated with implementing the amendments made by this part and part 2.

PART 5—MAINTENANCE OF EFFORT

SEC. 30751. ENCOURAGING CONTINUED ACCESS AFTER THE END OF THE PUBLIC HEALTH EMERGENCY.

Section 6008 of the Families First Coronavirus Response Act (42 U.S.C. 1396d note), as amended by section 30741(b), is further amended—

(1) by redesignating the second subsection (d) added by section 11 of division X of Public Law 116–260 as subsection (e); and

(2) by adding at the end the following new subsection:

''(g) ENCOURAGING CONTINUED ACCESS AFTER THE END OF THE PUBLIC HEALTH EMERGENCY.—

''(1) IN GENERAL.—Subject to paragraph (2), if, between October 1, 2022 and December 31, 2025, a State puts into effect for any calendar quarter occurring during such period eligibility standards, methodologies, or procedures for individuals (except individuals described in subparagraph (D) of section 1902(e)(14)) who are applying for or receiving medical assistance under the State plan of such State under title XIX of the Social Security Act (42 U.S.C. 1396 through 1396w-6) (including any waiver under such title or section 1115 of such Act (42 U.S.C. 1315)) that are more restrictive than the eligibility standards, methodologies, or procedures, respectively, under the State plan (or waiver of such plan) that are in effect on October 1, 2021, the Federal medical assistance percentage otherwise determined under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) for that State shall be reduced by 3.1 percentage points for such calendar quarter.

''(2) NONAPPLICATION.—During the period described in paragraph (1), at the option of the State, the condition under such paragraph may not apply to the State with respect to nonpregnant, nondisabled adults who are eligible for medical assistance under the State plan (or waiver such plan) whose income exceeds 133 percent of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved if, on or after December 31, 2022, the State had certified or certifies to the Secretary that, with respect to the State fiscal year during which the certification is made, the State has a budget deficit, or with respect to the succeeding State fiscal year, the State is projected to have a budget deficit. Upon submission of such a certification to the Secretary, the condition under paragraph (1) shall not apply to the State with respect to any remaining portion of the period described in the preceding sentence.''.

Subtitle G—Children's Health Insurance Program

SEC. 30801. INVESTMENTS TO STRENGTHEN CHIP.

(a) PERMANENT EXTENSION OF CHILDREN'S HEALTH INSURANCE PROGRAM.—

(1) IN GENERAL.—Section 2104(a)(28) of the Social Security Act (42 U.S.C. 1397dd(a)(28)) is amended to read as follows:

''(28) for fiscal year 2027 and each subsequent year, such sums as are necessary to fund allotments to States under subsection (m).''.

(2) ALLOTMENTS.—

(A) IN GENERAL.—Section 2104(m) of the Social Security Act (42 U.S.C. 1397dd(m)) is amended—

(i) in paragraph (2)(B)(i), by striking '', 2023, and 2027'' and inserting ''and 2023'';

(ii) in paragraph (5)—

(I) by striking ''(10), or (11)'' and inserting ''or (10)'';

(II) by striking ''for a fiscal year'' and inserting ''for a fiscal year before 2027''; and

(III) by striking ''2023, or 2027'' and inserting ''or 2023'';

(iii) in paragraph (7)—

(I) in subparagraph (A), by striking ''and ending with fiscal year 2027,''; and

(II) in the flush left matter at the end, by striking ''or fiscal year 2026'' and inserting ''fiscal year 2026, or a subsequent even-numbered fiscal year'';

(iv) in paragraph (9)—

(I) by striking ''(10), or (11)'' and inserting ''or (10)''; and

(II) by striking ''2023, or 2027,'' and inserting ''or 2023''; and

(v) by striking paragraph (11).

(B) CONFORMING AMENDMENT.—Section 50101(b)(2) of the Bipartisan Budget Act of 2018 (Public Law 115–123) is repealed.

(b) OTHER RELATED CHIP POLICIES.—

(1) PEDIATRIC QUALITY MEASURES PROGRAM.—Section 1139A(i)(1) of the Social Security Act (42 U.S.C. 1320b–9a(i)(1)) is amended—

(A) in subparagraph (C), by striking at the end ''and'';

(B) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

''(E) for fiscal year 2028, $15,000,000 for the purpose of carrying out this section (other than subsections (e), (f), and (g)); and

''(F) for each subsequent fiscal year, the amount appropriated under this paragraph for the previous fiscal year, increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average, as published by the Bureau of Labor Statistics) rounded to the nearest $100,000 over such previous fiscal year, for the purpose of carrying out this section (other than subsections (e), (f), and (g)).''.

(2) ASSURANCE OF ELIGIBILITY STANDARDS FOR CHILDREN.—Section 2105(d)(3) of the Social Security Act (42 U.S.C. 1397ee(d)(3)) is amended—

(A) in the paragraph heading, by striking ''THROUGH SEPTEMBER 30, 2027''; and

(B) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by striking ''During the period that begins on the date of enactment of the Patient Protection and Affordable Care Act and ends on September 30, 2027'' and inserting ''Beginning on the date of the enactment of the Patient Protection and Affordable Care Act'';

(II) by striking ''During the period that begins on October 1, 2019, and ends on September 30, 2027'' and inserting ''Beginning on October 1, 2019''; and

(III) by striking ''The preceding sentences shall not be construed as preventing a State during any such periods from'' and inserting ''The preceding sentences shall not be construed as preventing a State from'';

(ii) in clause (i), by striking the semicolon at the end and inserting a period;

(iii) by striking clauses (ii) and (iii); and

(iv) as amended by subclause (i)(III), by striking ''as preventing a State from'' and all that follows through ''applying eligibility standards'' and inserting ''as preventing a State from applying eligibility standards''.

(3) QUALIFYING STATES OPTION.—Section 2105(g)(4) of the Social Security Act (42 U.S.C. 1397ee(g)(4)) is amended—

(A) in the paragraph heading, by striking ''FOR FISCAL YEARS 2009 THROUGH 2027'' and inserting ''AFTER FISCAL YEAR 2008''; and

(B) in subparagraph (A), by striking ''for any of fiscal years 2009 through 2027'' and inserting ''for any fiscal year after fiscal year 2008''.

(4) OUTREACH AND ENROLLMENT PROGRAM.—Section 2113 of the Social Security Act (42 U.S.C. 1397mm) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''during the period of fiscal years 2009 through 2027'' and inserting '', beginning with fiscal year 2009,'';

(ii) in paragraph (2)—

(I) by striking ''10 percent of such amounts'' and inserting ''10 percent of such amounts for the period or the fiscal year for which such amounts are appropriated''; and

(II) by striking ''during such period'' and inserting '', during such period or such fiscal year,''; and

(iii) in paragraph (3), by striking ''For the period of fiscal years 2024 through 2027, an amount equal to 10 percent of such amounts'' and inserting ''Beginning with fiscal year 2024, an amount equal to 10 percent of such amounts for the period or the fiscal year for which such amounts are appropriated''; and

(B) in subsection (g)—

(i) by striking ''2017,,'' and inserting ''2017,'';

(ii) by striking ''and $48,000,000'' and inserting ''$48,000,000''; and

(iii) by inserting after ''through 2027'' the following: '', $60,000,000 for fiscal years 2028, 2029, and 2030, and for each 3 fiscal years after fiscal year 2030, the amount appropriated under this subsection for the previous fiscal year, increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average, as published by the Bureau of Labor Statistics) rounded to the nearest $100,000 over such previous fiscal year''.

(5) CHILD ENROLLMENT CONTINGENCY FUND.—Section 2104(n) of the Social Security Act (42 U.S.C. 1397dd(n)) is amended—

(A) in paragraph (2)—

(i) in subparagraph (A)(ii)—

(I) by striking ''2024 through 2026'' and inserting ''beginning with fiscal year 2024''; and

(II) by striking ''2023, and 2027'' and inserting ''and 2023''; and

(ii) in subparagraph (B)—

(I) by striking ''2024 through 2026'' and inserting ''beginning with fiscal year 2024''; and

(II) by striking ''2023, and 2027'' and inserting ''and 2023''; and

(B) in paragraph (3)(A)—

(i) by striking ''fiscal years 2024 through 2026'' and inserting ''fiscal year 2024 or any subsequent fiscal year''; and

(ii) by striking ''2023, or 2027'' and inserting ''or 2023''.

(c) CHIP DRUG REBATES.—

(1) IN GENERAL.—Section 2107 of the Social Security Act (42 U.S.C. 1397gg), as amended by section 30721(b)(2), is further amended—

(A) in subsection (e)(1) by adding at the end the following new subparagraph:

''(V) Beginning January 1, 2024, section 1927, in accordance with subsection (h) of this section, with respect to covered outpatient drugs (as defined in section 1927) for which child health assistance or pregnancy-related assistance (as defined in section 2112(d)(1)) is provided under the State child health plan, including such drugs dispensed to individuals enrolled with a managed care organization that meets the requirements of subpart L of part 457 of title 42, Code of Federal Regulations (or a successor regulation) if the organization is responsible for coverage of such drugs.''; and

(B) by adding at the end the following new subsection:

''(h) DRUG REBATES.—For purposes of subsection (e)(1)(V), in applying section 1927—

''(1) the Secretary shall take such actions as are necessary and develop or adapt such processes and mechanisms as are necessary, including to report and collect data to bill and track rebates under section 1927, as applied pursuant to subsection (e)(1)(V) for covered outpatient

drugs (as defined in such section 1927) for which child health assistance or pregnancy-related assistance (as defined in section 2112(d)(1)) is provided under the State child health plan;

''(2) the requirements of such section 1927 shall apply to any drug or biological product described in paragraph (1)(A) of section 1905(ee) that is—

''(A) furnished as child health assistance or pregnancy-related assistance under the State child health plan; and

''(B) a covered outpatient drug (as defined in section 1927(k), except that, in applying paragraph (2)(A) of such section to a drug described in such paragraph (1)(A) of such section 1905(ee), such drug shall be deemed 'a prescribed drug for purposes of subsection (a)(12))'; and

''(3) in order for payment to be available under section 2105 with respect to child health assistance or pregnancy-related assistance for covered outpatient drugs of a manufacturer, the manufacturer must have entered into and have in effect a single rebate agreement to—

''(A) provide rebates under section 1927 to a State Medicaid program under title XIX as well as a State program under this title; and

''(B) provide such rebates to a State program under this title in the same form and manner as the manufacturer is required to provide rebates under an agreement described in section 1927(b) to a State Medicaid program under title XIX.

Nothing in this subsection or subsection (e)(1)(V) shall be construed as limiting Federal financial participation for prescription drugs and biological products that do not satisfy the definition of a covered outpatient drug and for which there is not a rebate agreement in effect.''.

(2) DRUG REBATE CONFORMING AMENDMENT.—Section 1927(a)(1) of the Social Security Act (42 U.S.C. 1396r–8(a)(1)) is amended in the first sentence—

(A) by striking ''or under part B of title XVIII'' and inserting '', under part B of title XVIII, or, beginning with the first full calendar quarter with respect to which section 2107(e)(1)(V) applies, under section 2105 with respect to child health assistance or pregnancy-related assistance under title XXI'';

(B) by striking ''a rebate agreement described in subsection (b)'' and inserting ''a single rebate agreement described in subsection (b) with respect to payment under section 1903(a) and, beginning January 1, 2024, title XXI,''; and

(C) by inserting ''and including as such subsection (b) is applied pursuant to subsections (e)(1)(V) and (h) of section 2107 with respect to child health assistance and pregnancy-related assistance under a State child health plan under title XXI'' before '', and must meet''.

(3) NON-DUPLICATION OF REBATES CONFORMING AMENDMENT.—Section 340B(a)(5)(A) of the Public Health Service Act (42 U.S.C. 256b(a)(5)(A)) is amended—

(A) in clause (i), by inserting before the period the following: ''and shall not request payment under title XXI of such Act for child health assistance or pregnancy-related assistance (as defined in section 2112(d)(1) of such Act) under a State child health plan under title XXI of such Act with respect to a drug that is subject to an agreement under this section if the drug is subject to the payment of a rebate to the State under section 1927 of such Act, as applied pursuant to subsections (e)(1)(V) and (h) of section 2107 of such Act''; and

(B) in clause (ii), by inserting '', including as applied pursuant to subsections (e)(1)(V) and (h) of section 2107 of such Act,'' after ''the requirements of section 1927(a)(5)(C) of the Social Security Act''.

(4) EXCLUSION OF REBATES FROM BEST PRICE CONFORMING AMENDMENT.—Section 1927(c)(1)(C)(i) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(C)(i)) is amended—

(A) in subclause (V), by striking ''and'' at the end;

(B) in subclause (VI), by striking the period and inserting ''; and''; and

(C) by adding at the end the following new subclause:

''(VII) any rebates paid pursuant to section 2107(e)(1)(V).''.

(d) STATE OPTION TO EXPAND CHILDREN'S ELIGIBILITY FOR CHIP.—

(1) IN GENERAL.—Section 2110(b)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1397jj(b)(1)(B)(ii)) is amended—

(A) in subclause (II), by striking ''or'' at the end;

(B) in subclause (III), by striking ''and'' at the end and inserting ''or''; and

(C) by inserting after subclause (III) the following new subclause:

''(IV) at the option of the State, whose family income exceeds the maximum income level otherwise established for children under the State child health plan as of the date of the enactment of this subclause; and''.

(2) TREATMENT OF TERRITORIES.—Section 2104(m)(7) of the Social Security Act (42 U.S.C. 1397dd(m)(7)) is amended—

(A) in the matter preceding subparagraph (A), by striking ''the 50 States or the District of Columbia'' and inserting ''a State (including the District of Columbia and each commonwealth and territory)'';

(B) in subparagraph (B)(ii), by striking ''or District''; and

(C) in the matter following subparagraph (B), by striking each place it occurs ''or District''

(3) REMOVAL OF SUNSET FOR INCREASES IN ALLOTMENTS.—Section 2104(m)(7)(A) of the Social Security Act (42 U.S.C. 1397dd(m)(7)(A)) is amended by striking ''and ending with fiscal year 2027,''.

(e) FUNDING FOR IMPLEMENTATION AND ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the Secretary, for fiscal year 2022, to be available until expended, out of any money in the Treasury not otherwise appropriated, $5,000,000, to provide technical assistance and guidance and cover administrative costs associated with implementing the amendments made by this section.

Subtitle H—Medicare Coverage of Hearing Services

SEC. 30901. PROVIDING COVERAGE FOR HEARING CARE UNDER THE MEDICARE PROGRAM.

(a) PROVISION OF AUDIOLOGY SERVICES BY QUALIFIED AUDIOLOGISTS AND QUALIFIED HEARING AID PROFESSIONALS.—

(1) IN GENERAL.—Section 1861(ll) of the Social Security Act (42 U.S.C. 1395x(ll)) is amended—

(A) in paragraph (3)—

(i) by inserting ''(and, beginning January 1, 2023, such aural rehabilitation and treatment services)'' after ''assessment services'';

(ii) by inserting '', and, beginning on January 1, 2023, such hearing assessment services furnished by a qualified hearing aid professional,'' after ''by a qualified audiologist''; and

(iii) by striking ''the audiologist'' and inserting ''the audiologist or qualified hearing aid professional''; and

(B) in paragraph (4), by adding at the end the following new subparagraph:

''(C) The term 'qualified hearing aid professional' means, with respect to hearing assessment services described in paragraph (3), an individual who—

''(i) is licensed or registered as a hearing aid dispenser, hearing aid specialist, hearing instrument dispenser, or related professional by the State in which the individual furnishes such services; and

''(ii) meets such other requirements as the Secretary determines appropriate (including requirements relating to educational certifications or accreditations), taking into account any additional requirements for hearing aid specialists, hearing aid dispensers, and hearing instrument dispensers established by Medicare Advantage organizations under part C, State plans (or waivers of such plans) under title XIX, and the group health plans and health insurance issuers (as such terms are defined in section 2791 of the Public Health Service Act).''.

(2) PAYMENT FOR QUALIFIED HEARING AID PROFESSIONALS.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)), as amended by section 139101(b), is further amended—

(A) by striking ''and'' before ''(EE)''; and

(B) by inserting before the semicolon at the end the following: ''and (FF) with respect to hearing assessment services (as described in paragraph (3) of section 1861(ll)) furnished by a qualified hearing aid professional (as defined in paragraph (4)(C) of such section), the amounts paid shall be equal to 80 percent of the lesser of the actual charge for such services or 85 percent of the amount for such services determined under the payment basis determined under section 1848''.

(b) COVERAGE OF HEARING AIDS.—

(1) INCLUSION OF HEARING AIDS AS PROSTHETIC DEVICES.—Section 1861(s)(8) of the Social Security Act (42 U.S.C. 1395x(s)(8)) is amended by inserting '', and including hearing aids (as described in section 1834(h)(7)) furnished on or after January 1, 2023, to individuals diagnosed with moderately severe, severe, or profound hearing loss'' before the semicolon at the end.

(2) PAYMENT LIMITATIONS FOR HEARING AIDS.—Section 1834(h) of the Social Security Act (42 U.S.C. 1395m(h)) is amended by adding at the end the following new paragraphs:

''(6) PAYMENT ONLY ON AN ASSIGNMENT-RELATED BASIS.—Payment for hearing aids for which payment may be made under this part may be made only on an assignment-related basis. The provisions of section 1842(b)(18)(B) shall apply to hearing aids in the same manner as they apply to services furnished by a practitioner described in subsection (b)(18)(C).

''(7) LIMITATIONS FOR HEARING AIDS.—Payment may be made under this part with respect to an individual, with respect to hearing aids furnished on or after January 1, 2023—

''(A) not more than once per ear during a 5-year period;

''(B) only for types of such hearing aids that are determined appropriate by the Secretary; and

''(C) only if furnished pursuant to a written order of a physician, qualified audiologist (as defined in section 1861(ll)(4)), qualified hearing aid professional (as so defined), physician assistant, nurse practitioner, or clinical nurse specialist.''.

(3) APPLICATION OF COMPETITIVE ACQUISITION.—

(A) IN GENERAL.—Section 1834(h)(1)(H) of the Social Security Act (42 U.S.C. 1395m(h)(1)(H)) is amended—

(i) in the header, by inserting ''AND HEARING AIDS'' after ''ORTHOTICS'';

(ii) by inserting '', or of hearing aids described in paragraph (2)(D) of such section,'' after ''2011,''; and

(iii) in clause (i), by inserting ''or such hearing aids'' after ''such orthotics''.

(B) CONFORMING AMENDMENT.—

(i) IN GENERAL.—Section 1847(a)(2) of the Social Security Act (42 U.S.C. 1395w–3(a)(2)) is amended by adding at the end the following new subparagraph:

''(D) HEARING AIDS.—Hearing aids described in section 1861(s)(8) for which payment would otherwise be made under section 1834(h).''.

(ii) EXEMPTION OF CERTAIN ITEMS FROM COMPETITIVE ACQUISITION.—Section 1847(a)(7) of the Social Security Act (42 U.S.C. 1395w–3(a)(7)) is amended by adding at the end the following new subparagraph:

''(C) CERTAIN HEARING AIDS.—Those items and services described in paragraph (2)(D) if furnished by a physician or other practitioner (as defined by the Secretary) to the physician's or practitioner's own patients as part of the physician's or practitioner's professional service.''.

(4) INCLUSION OF QUALIFIED AUDIOLOGISTS AND QUALIFIED HEARING AID PROFESSIONALS AS

CERTAIN PRACTITIONERS TO RECEIVE PAYMENT ON AN ASSIGNMENT-RELATED BASIS.—Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)), is amended by adding at the end the following new clauses:

''(vii) Beginning on January 1, 2023, a qualified audiologist (as defined in section 1861(ll)(4)(B)).

''(viii) A qualified hearing aid professional (as defined in section 1861(ll)(4)(C)).''.

(c) EXCLUSION MODIFICATION.—Section 1862(a)(7) of the Social Security Act (42 U.S.C. 1395y(a)(7)) is amended by inserting ''(except such hearing aids or examinations therefor as described in and otherwise allowed under section 1861(s)(8))'' after ''hearing aids or examinations therefor''.

(d) INCLUSION AS EXCEPTED MEDICAL TREATMENT.—Section 1821(b)(5)(A) of the Social Security Act (42 U.S.C. 1395i–5(b)(5)(A)) is amended—

(1) in clause (i), by striking ''or'';

(2) in clause (ii), by striking the period and inserting '', or''; and

(3) by adding at the end the following new clause:

''(iii) consisting of audiology services described in subsection (ll)(3) of section 1861, or hearing aids described in subsection (s)(8) of such section, that are payable under part B as a result of the amendments made by An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14.''.

(e) RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS.—

(1) CLARIFYING COVERAGE OF AUDIOLOGY SERVICES AS PHYSICIANS' SERVICES.—Section 1861(aa)(1)(A) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(A)) is amended by inserting ''(including audiology services (as defined in subsection (ll)(3)))'' after ''physicians' services''.

(2) INCLUSION OF QUALIFIED AUDIOLOGISTS AND QUALIFIED HEARING AID PROFESSIONALS AS RHC AND FQHC PRACTITIONERS.—Section 1861(aa)(1)(B) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(B)) is amended by inserting ''or by a qualified audiologist or a qualified hearing aid professional (as such terms are defined in subsection (ll)),'' after ''(as defined in subsection (hh)(1)),''.

(3) TEMPORARY PAYMENT RATES FOR CERTAIN SERVICES UNDER THE RHC AIR AND FQHC PPS.—

(A) AIR.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended—

(i) in subsection (a)(3)(A), by inserting ''(which shall, in the case of audiology services (as defined in section 1861(ll)(3)), in lieu of any limits on reasonable charges otherwise applicable, be based on the rates payable for such services under the payment basis determined under section 1848 until such time as the Secretary determines sufficient data has been collected to otherwise apply such limits (or January 1, 2029, if no such determination has been made as of such date))'' after ''may prescribe in regulations''; and

(ii) by adding at the end the following new subsection:

''(ee) DISREGARD OF COSTS ATTRIBUTABLE TO CERTAIN SERVICES FROM CALCULATION OF RHC AIR.—Payments for rural health clinic services other than audiology services (as defined in section 1861(ll)(3)) under the methodology for all-inclusive rates (established by the Secretary) under subsection (a)(3) shall not take into account the costs of such services while rates for such services are based on rates payable for such services under the payment basis established under section 1848.''.

(B) PPS.—Section 1834(o) of the Social Security Act (42 U.S.C. 1395m(o)) is amended by adding at the end the following new paragraph:

''(5) TEMPORARY PAYMENT RATES BASED ON PFS FOR CERTAIN SERVICES.—The Secretary shall, in establishing payment rates for audiology services (as defined in section 1861(ll)(3)) that are Federally qualified health center services under the prospective payment system established under this subsection, in lieu of the rates otherwise applicable under such system, base such rates on rates payable for such services under the payment basis established under section 1848 until such time as the Secretary determines sufficient data has been collected to otherwise establish rates for such services under such system (or January 1, 2029, if no such determination has been made as of such date). Payments for Federally qualified health center services other than such audiology services under such system shall not take into account the costs of such services while rates for such services are based on rates payable for such services under the payment basis established under section 1848.''.

(f) IMPLEMENTATION.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $370,000,000, to remain available until expended, for purposes of implementing the amendments made by this section during the period beginning on January 1, 2022, and ending on September 30, 2031.

(2) PROGRAM INSTRUCTION.—The Secretary of Health and Human Services shall implement the provisions of, and the amendments made by, this section for 2022 and 2023 by program instruction.

Subtitle I—Public Health

PART 1—HEALTH CARE INFRASTRUCTURE AND WORKFORCE

SECTION 31001. FUNDING TO SUPPORT CORE PUBLIC HEALTH INFRASTRUCTURE FOR STATE, TERRITORIAL, LOCAL, AND TRIBAL HEALTH DEPARTMENTS AT THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services (in this subtitle referred to as the ''Secretary''), acting through the Director of the Centers for Disease Control and Prevention (in this section referred to as the ''Director''), for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, and to remain available until expended—

(1) for the purposes of carrying out subsection (c)(1)(A)—

(A) $200,000,000 in fiscal year 2022;

(B) $300,000,000 in fiscal year 2023; and

(C) $1,000,000,000 in each of fiscal years 2024 through 2026;

(2) for the purposes of carrying out subsection (c)(1)(B)—

(A) $100,000,000 in fiscal year 2022;

(B) $150,000,000 in fiscal year 2023; and

(C) $500,000,000 in each of fiscal years 2024 through 2026; and

(3) for the purposes of carrying out subsection (d)—

(A) $100,000,000 in fiscal year 2022;

(B) $150,000,000 in fiscal year 2023; and

(C) $500,000,000 in each of fiscal years 2024 through 2026.

(b) USE OF FUNDS.—Amounts made available pursuant to subsection (a) shall be used to support core public health infrastructure activities to strengthen the public health system of the United States, including by awarding grants under this section and expanding and improving activities of the Centers for Disease Control and Prevention under subsections (c) and (d).

(c) GRANTS.—

(1) AWARDS.—For the purpose of addressing core public health infrastructure needs, the Secretary shall award—

(A) a grant to each State or territorial health department, and to local health departments that serve counties with a population of at least 2,000,000 or cities with a population of at least 400,000 people; and

(B) grants on a competitive basis to State, territorial, local, or Tribal health departments.

(2) REQUIRED USES.—

(A) REALLOCATION TO LOCAL HEALTH DEPARTMENTS.—A State health department receiving funds under subparagraph (A) or (B) of paragraph (1) shall allocate at least 25 percent of such funds to local health departments, as applicable, within the State to support contributions of the local health departments to core public health infrastructure.

(B) PROGRESS IN MEETING ACCREDITATION STANDARDS.—A health department receiving funds under this section that is not accredited shall report to the Secretary on an annual basis how the department is working to meet accreditation standards.

(3) FORMULA GRANTS TO HEALTH DEPARTMENTS.—In awarding grants under paragraph (1), the Secretary shall award funds to each health department in accordance with a formula which considers population size, the Social Vulnerability Index of the Centers for Disease Control and Prevention, and other factors as determined by the Secretary.

(4) COMPETITIVE GRANTS TO STATE, TERRITORIAL, LOCAL, AND TRIBAL HEALTH DEPARTMENTS.—In making grants under paragraph (1)(B), the Secretary shall give priority to applicants demonstrating core public health infrastructure needs for public health agencies in the applicant's jurisdiction.

(5) PERMITTED USES.—

(A) IN GENERAL.—The Secretary may make available a subset of the funds available for grants under paragraph (1) for purposes of awarding grants to State, territorial, local, and Tribal health departments for planning or to support public health accreditation.

(B) USES.—Recipients of such grants may use the grant funds to assess core public health infrastructure needs and report to the Centers for Disease Control and Prevention on efforts to achieve accreditation, as applicable.

(6) REQUIREMENTS.—To be eligible for a grant under this section, an entity shall—

(A) submit an application in such form and containing such information as the Secretary shall require;

(B) demonstrate to the satisfaction of the Secretary that—

(i) funds received through the grant will be expended only to supplement, and not supplant, non-Federal and Federal funds otherwise available to the entity for the purpose of addressing core public health infrastructure needs; and

(ii) with respect to activities for which the grant is awarded, the entity will maintain expenditures of non-Federal amounts for such activities at a level not less than the level of such expenditures maintained by the entity for fiscal year 2019; and

(C) agree to report annually to the Director regarding the use of the grant funds.

(d) CORE PUBLIC HEALTH INFRASTRUCTURE AND ACTIVITIES FOR THE CDC.—The Secretary, acting through the Director, shall expand and improve the core public health infrastructure and activities of the Centers for Disease Control and Prevention to support activities necessary to address unmet, ongoing, and emerging public health needs, including prevention, preparation for, and response to public health emergencies.

(e) DEFINITION.—In this section, the term ''core public health infrastructure'' includes—

(1) health equity activities;

(2) workforce capacity and competency;

(3) all hazards public health and preparedness;

(4) testing capacity, including test platforms, mobile testing units, and personnel;

(5) health information, health information systems, and health information analysis (including data analytics);

(6) epidemiology and disease surveillance;

(7) contact tracing;

(8) policy and communications;

(9) financing;

(10) community partnership development; and

(11) relevant components of organizational capacity.

(f) SUPPLEMENT NOT SUPPLANT.—Amounts made available by this section shall be used to supplement, and not supplant, amounts otherwise made available for the purposes described in this Act.

SEC. 31002. FUNDING FOR HEALTH CENTER CAPITAL GRANTS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available until expended, for necessary expenses for awarding grants and entering into cooperative agreements for capital projects to health centers funded under section 330 of the Public Health Service Act (42 U.S.C. 254b) to be awarded without regard to the time limitation in subsection (e)(3) and subsections (e)(6)(A)(iii), (e)(6)(B)(iii), and (r)(2)(B) of such section 330, and for necessary expenses for awarding grants and cooperative agreements for capital projects to Federally qualified health centers, as described in section 1861(aa)(4)(B) of the Social Security Act (42 U.S.C. 1395x(aa)(4)(B)). The Secretary shall take such steps as may be necessary to expedite the awarding of such grants to Federally qualified health centers for capital projects.

(b) USE OF FUNDS.—Amounts made available to a recipient of a grant or cooperative agreement pursuant to subsection (a) shall be used for—

(1) health center facility alteration, renovation, remodeling, expansion, construction, and other capital improvement costs, including the costs of amortizing the principal of, and paying interest on, loans for such purposes; and

(2) the purchase, renovation, or maintenance of mobile clinics and related vehicles and equipment.

SEC. 31003. FUNDING FOR TEACHING HEALTH CENTER GRADUATE MEDICAL EDUCATION.

(a) IN GENERAL.—In addition to amounts otherwise available, and notwithstanding the limitations referred to in subsections (b)(2) and (d)(2) of section 340H of the Public Health Service Act (42 U.S.C. 256h), there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,370,000,000, to remain available until expended, for—

(1) the program of payments to teaching health centers that operate graduate medical education programs under such section; and

(2) the award of teaching health center development grants pursuant to section 749A of the Public Health Service Act (42 U.S.C. 293l–1).

(b) EXEMPTION FROM AMOUNT AND DURATION LIMITATIONS.—Subsection (b) of section 749A of the Public Health Service Act (42 U.S.C. 293l–1) shall not apply with respect to amounts awarded under such section out of amounts appropriated under subsection (a) or under section 2604 of the American Rescue Plan Act (Public Law 117–2).

(c) USE OF FUNDS.—Amounts made available pursuant to subsection (a) shall be used for the following activities:

(1) For making payments to establish new approved graduate medical residency training programs pursuant to section 340H(a)(1)(C) of the Public Health Service Act (42 U.S.C. 256h(a)(1)(C)).

(2) For making payments under section 340H(a)(1)(A) of the Public Health Service Act (42 U.S.C. 256h(a)(1)(A))) to qualified teaching health centers for maintenance of filled positions at existing approved graduate medical residency training programs.

(3) For making payments under section 340H(a)(1)(B) of the Public Health Service Act (42 U.S.C. 256h(a)(1)(B)) for the expansion of existing approved graduate medical residency training programs.

(4) For making awards under section 749A of the Public Health Service Act (42 U.S.C. 293l–1) to teaching health centers for the purpose of establishing new accredited or expanded primary care residency programs.

(5) To provide an increase to the per resident amount described in section 340H(a)(2) of the Public Health Service Act (42 U.S.C. 256h(a)(2)).

(d) PRIORITY USES OF FUNDS.—In making payments and awards under subsection (c), the Secretary shall, in addition to the requirements of paragraphs (3)(A) and (3)(B) of section 340H of the Public Health Service Act (42 U.S.C. 256h), make payments and awards to eligible entities in a manner that accounts for States or territories in which there is no existing qualified teaching health center funded by payments under such section 340H.

SEC. 31004. FUNDING FOR CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.

In addition to amounts otherwise available, and notwithstanding the caps on awards specified in paragraphs (1) and (2) of subsection (b) and (h)(1) of section 340E of the Public Health Service Act (42 U.S.C. 256e), there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available until expended, for carrying out such section 340E of the Public Health Service Act (42 U.S.C. 256e).

SEC. 31005. FUNDING FOR NATIONAL HEALTH SERVICE CORPS.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available until expended, for carrying out sections 338A, 338B, and 338I of the Public Health Service Act (42 U.S.C. 254l, 254l–1, 254q–1).

SEC. 31006. FUNDING FOR THE NURSE CORPS.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until expended, for carrying out section 846 of the Public Health Service Act (42 U.S.C. 297n).

SEC. 31007. FUNDING FOR SCHOOLS OF MEDICINE IN UNDERSERVED AREAS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until expended, for purposes of making awards to eligible entities for the establishment, improvement, or expansion of an allopathic or osteopathic school of medicine, or a branch campus of an allopathic or osteopathic school of medicine, consistent with subsection (b).

(b) USE OF FUNDS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall, with priority given to minority-serving institutions described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)), and taking into consideration equitable distribution of awards among the geographical regions of the United States (which shall include rural regions and populations as defined by the Secretary for the purposes of this section) and the locations of existing schools of medicine and osteopathic medicine, use amounts appropriated by subsection (a) to award grants to eligible entities to—

(1) recruit, enroll, and retain students, including individuals who are from disadvantaged backgrounds (including racial and ethnic groups underrepresented among medical students and health professions), individuals from rural and underserved areas, low-income individuals, and first generation college students (as defined in section 402A(h)(3) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(h)(3))), at a school of medicine or osteopathic medicine or branch campus of a school of medicine or osteopathic medicine;

(2) develop, implement, and expand curriculum that emphasizes care for rural and underserved populations, including accessible and culturally appropriate and linguistically appropriate care and services, at such school or branch campus;

(3) plan and construct a school of medicine or osteopathic medicine in an area in which no other such school or branch campus of such a school is based;

(4) plan, develop, and meet criteria for accreditation for a school of medicine or osteopathic medicine or branch campus of such a school;

(5) hire faculty, including faculty from racial and ethnic groups who are underrepresented among the medical and other health professions, and other staff to serve at such a school or branch campus;

(6) support educational programs at such a school or branch campus, including modernizing curriculum;

(7) modernize and expand infrastructure at such a school or branch campus; or

(8) support other activities that the Secretary determines will further the establishment, improvement, or expansion of a school of medicine or osteopathic medicine or branch campus of a school of medicine or osteopathic medicine.

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means an institution of higher education as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) BRANCH CAMPUS.—

(A) IN GENERAL.—The term ''branch campus'', with respect to a school of medicine or osteopathic medicine, means an additional location of such school that is geographically apart and independent of the main campus, at which the school offers at least 50 percent of the program leading to a degree of doctor of medicine or doctor of osteopathy that is offered at the main campus.

(B) INDEPENDENCE FROM MAIN CAMPUS.—For purposes of subparagraph (A), the location of a school described in such subparagraph shall be considered to be independent of the main campus described in such subparagraph if the location—

(i) is permanent in nature;

(ii) offers courses in educational programs leading to a degree, certificate, or other recognized educational credential;

(iii) has its own faculty and administrative or supervisory organization; and

(iv) has its own budgetary and hiring authority.

SEC. 31008. FUNDING FOR SCHOOLS OF NURSING IN UNDERSERVED AREAS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until expended, for purposes of making awards to schools of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)) to enhance and modernize nursing education programs and increase the number of faculty and students at such schools.

(b) USE OF FUNDS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, taking into consideration equitable distribution of awards among the geographical regions of the United States and the capacity of a school of nursing to provide care in underserved areas, shall use amounts appropriated by subsection (a) to award grants for purposes of—

(1) recruiting, enrolling, and retaining students at such school, with a priority for students from disadvantaged backgrounds (including racial or ethnic groups underrepresented in the nursing workforce), individuals from rural and underserved areas, low-income individuals, and first generation college students (as defined in section 402A(h)(3) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(h)(3)));

(2) creating, supporting, or modernizing educational programs and curricula at such school;

(3) retaining current faculty, and hiring new faculty, with an emphasis on faculty from racial or ethnic groups that are underrepresented in the nursing workforce;

(4) modernizing infrastructure at such school, including audiovisual or other equipment, personal protective equipment, simulation and augmented reality resources, telehealth technologies, and virtual and physical laboratories;

(5) partnering with a health care facility, nurse-managed health clinic, community health center, or other facility that provides health care, in order to provide educational opportunities for the purpose of establishing or expanding clinical education;

(6) enhancing and expanding nursing programs that prepare nurse researchers and scientists;

(7) establishing nurse-led intradisciplinary and interprofessional educational partnerships; or

(8) other activities that the Secretary determines will further the development, improvement, and expansion of schools of nursing.

SEC. 31009. FUNDING FOR PALLIATIVE CARE AND HOSPICE EDUCATION AND TRAINING.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until expended, to support the establishment or operation of programs that—

(1) support training of health professionals in palliative and hospice care (including through traineeships or fellowships); and

(2) foster patient and family engagement, integration of palliative and hospice care with primary care and other appropriate specialties, and collaboration with community partners to address gaps in health care for individuals in need of palliative or hospice care.

(b) USE OF FUNDS.—The Secretary shall, giving priority to applicants proposing to carry out programs or activities that demonstrate coordination with other Federal or State programs and are expected to substantially benefit rural populations, medically underserved populations, medically underserved communities, Indian Tribes or Tribal organizations, or Urban Indian organizations, use amounts appropriated by subsection (a) to carry out a program to award grants or contracts to entities defined in paragraph (1), (3), or (4) of section 799B of the Public Health Service Act (42 U.S.C. 295p) or section 801(2) of such Act (42 U.S.C. 296) for purposes of carrying out the following activities:

(1) Clinical training on providing integrated palliative and hospice care and primary care delivery services.

(2) Interprofessional or interdisciplinary training to practitioners from multiple disciplines and specialties, including training on the provision of care to individuals with palliative or hospice care needs.

(3) Establishing or maintaining training-related community-based programs for individuals with palliative or hospice care needs and caregivers to improve quality of life, and where appropriate, health outcomes for individuals who have palliative or hospice care needs.

SEC. 31010. FUNDING FOR PALLIATIVE MEDICINE PHYSICIAN TRAINING.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until expended, to carry out a program to award grants and contracts to accredited schools of medicine, schools of osteopathic medicine, teaching hospitals, and graduate medical education programs for the purpose of providing support for projects that fund the training of physicians or specialists who plan to teach or practice palliative medicine.

(b) USE OF FUNDS.—Amounts made available to an awardee pursuant to subsection (a) shall be used to—

(1) provide training in interprofessional or interdisciplinary team-based palliative medicine through a variety of service rotations, such as rotations with respect to consultation services or acute and chronic care services, and rotations in other health care settings, including extended care facilities, ambulatory care and comprehensive evaluation units, hospices, home care, and community care programs;

(2) develop specific performance-based measures to evaluate the competency of trainees; and

(3) provide training in interprofessional or interdisciplinary, team-based palliative medicine.

(c) GRADUATE MEDICAL EDUCATION PROGRAM DEFINED.—In this section, the term ''graduate medical education program'' means a program sponsored by an accredited school of medicine, an accredited school of osteopathic medicine, a hospital, or a public or private institution that—

(1) offers postgraduate medical training in the specialties and subspecialties of medicine; and

(2) has been accredited by—

(A) the Accreditation Council for Graduate Medical Education; or

(B) the American Osteopathic Association through its Committee on Postdoctoral Training (or a successor committee).

SEC. 31011. FUNDING FOR PALLIATIVE CARE AND HOSPICE ACADEMIC CAREER AWARDS.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until expended, to establish a program, consistent with section 753(b) of the Public Health Service Act (42 U.S.C. 294c(b)), including paragraphs (5)(A) and (5)(B) of such section 753(b) concerning the amount and duration of awards, respectively, except that such program shall be to provide awards to accredited schools of medicine, osteopathic medicine, nursing, social work, psychology, allied health, dentistry, or chaplaincy applying on behalf of board-certified or board-eligible individuals in hospice and palliative medicine that have an early-career junior (non-tenured) faculty appointment at an accredited school of medicine, or osteopathic medicine, nursing, social work, psychology, allied health, dentistry, or chaplaincy, to promote the academic career development of individuals as hospice and palliative care specialists.

SEC. 31012. FUNDING FOR HOSPICE AND PALLIATIVE NURSING.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until expended, to establish a program to award grants and contracts to accredited schools of nursing, health care facilities, programs leading to certification as a certified nurse assistant, partnerships of such schools and facilities, or partnerships of such programs and facilities to develop and implement, in coordination with other hospice and palliative care programs administered by the Department of Health and Human Services, programs and initiatives to train and educate individuals in providing interprofessional, interdisciplinary, team-based palliative care in health-related educational, hospital, hospice, home, or long-term care settings.

(b) USE OF FUNDS.—Amounts made available to an awardee pursuant to subsection (a) shall be used to—

(1) provide training to individuals who will provide palliative care in health-related educational, hospital, home, hospice, or long-term care settings;

(2) develop and disseminate curricula relating to palliative care in health-related educational, hospital, home, hospice, or long-term care settings;

(3) train faculty members in palliative care in health-related educational, hospital, home, hospice, or long-term care settings; and

(4) provide continuing education to individuals who provide palliative care in health-related educational, home, hospice, or long-term care settings.

SEC. 31013. FUNDING FOR DISSEMINATION OF PALLIATIVE CARE INFORMATION.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until expended, for the purpose described in subsection (b).

(b) USE OF FUNDS.—The Secretary, after consultation with appropriate medical and other health professional societies and palliative care and hospice stakeholders, shall use amounts appropriated by subsection (a) to award grants or contracts to public and nonprofit private entities to disseminate information to inform patients, families, caregivers, direct care workers, and health professionals about the benefits of palliative care throughout the continuum of care for patients with serious or life-threatening illness. Such awareness campaign shall include—

(1) information, resources, communication, and education materials about palliative care for patients and families facing serious or life-threatening illnesses;

(2) information regarding hospice and palliative care services, including information on how such services may—

(A) incorporate age-friendly, patient-centered, and family-centered support throughout the continuum of care for serious and life-threatening illness;

(B) anticipate, prevent, and treat pain;

(C) optimize quality of life; and

(D) facilitate and support the goals and values of patients and families;

(3) materials that explain the role of professionals trained in hospice and palliative care in providing team-based care for patients and families throughout the continuum of care for serious or life-threatening illness; and

(4) materials for specific populations, including patients with serious or life-threatening illness who are among medically underserved populations (as defined in section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3)) and families of such patients or health professionals serving medically underserved populations.

PART 2—PANDEMIC PREPAREDNESS

SEC. 31021. FUNDING FOR LABORATORY ACTIVITIES AT THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,400,000,000 to remain available until expended, for purposes of carrying out activities consistent with subsection (b).

(b) USE OF FUNDS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall use amounts made available pursuant to subsection (a) for the following activities:

(1) Supporting renovation, improvement, expansion, and modernization of State and local public health laboratory infrastructure (as the term ''laboratory'' is defined in section 353 of the Public Health Service Act (42 U.S.C. 263a)), including—

(A) the improvement and enhancement of testing and response capacity;

(B) improvements and expansion of the Laboratory Response Network for rapid outbreak detection;

(C) the improvement and expansion of genomic sequencing capabilities to detect emerging diseases and variant strains; and

(D) the improvement and expansion of biosafety and biosecurity capacity.

(2) Enhancing the capacity of the laboratories of the Centers for Disease Control and Prevention as described in subparagraphs (A) through (D) of paragraph (1).

(3) Enhancing the ability of the Centers for Disease Control and Prevention to monitor and exercise oversight over the biosafety and biosecurity of State and local public health laboratories.

SEC. 31022. FUNDING FOR PUBLIC HEALTH AND PREPAREDNESS RESEARCH, DEVELOPMENT, AND COUNTERMEASURE CAPACITY.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,300,000,000, to carry out activities to prepare for, and respond to, public health emergencies declared under section 319 of the Public Health Service Act (42 U.S.C. 247d), as described in subsection (b), to remain available until expended.

(b) USE OF FUNDS.—The Secretary, acting through the Assistant Secretary for Preparedness and Response, shall use amounts made available pursuant to subsection (a)—

(1) to support surge capacity, including through construction, expansion, or modernization of facilities, to respond to a public health emergency, and for development, procurement, and domestic manufacture of drugs, active pharmaceutical ingredients, vaccines and other biological products, diagnostic technologies and products, medical devices (including personal protective equipment), vials, syringes, needles, and other components or supplies for the Strategic National Stockpile under section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b);

(2) to support expanded global and domestic vaccine production capacity and capabilities, including by developing or acquiring new technology and expanding manufacturing capacity through construction, expansion, or modernization of facilities;

(3) to support activities to mitigate supply chain risks and enhance supply chain elasticity and resilience for critical drugs, active pharmaceutical ingredients, and supplies (including essential medicines, medical countermeasures, and supplies in shortage or at risk of shortage), drug and vaccine raw materials, and other supplies, as the Secretary determines appropriate, including construction, expansion, or modernization of facilities, adoption of advanced manufacturing processes, and other activities to support domestic manufacturing of such supplies;

(4) to support activities conducted by the Biomedical Advanced Research and Development Authority for advanced research, standards development, and domestic manufacturing capacity for drugs, including essential medicines, diagnostics, vaccines, therapeutics, and personal protective equipment; and

(5) to support increased biosafety and biosecurity in research on infectious diseases, including by modernization or improvement of facilities.

SEC. 31023. FUNDING FOR INFRASTRUCTURE MODERNIZATION AND INNOVATION AT THE FOOD AND DRUG ADMINISTRATION.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until expended, with respect to improving and modernizing infrastructure at the Food and Drug Administration and enhancing food and medical product safety—

(1) $150,000,000 for improving technological infrastructure, including through developing integrated systems and improving the interoperability of information technology systems; and

(2) $150,000,000 for modernizing laboratory infrastructure of, or used by, the Food and Drug Administration, including modernization of facilities related to, and supporting, such laboratory infrastructure, including through planning for, and the construction, repair, improvement, extension, alteration, demolition, and purchase of, fixed equipment or facilities.

PART 3—MATERNAL MORTALITY

SEC. 31031. FUNDING FOR LOCAL ENTITIES ADDRESSING SOCIAL DETERMINANTS OF MATERNAL HEALTH.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until expended, for carrying out a program to award grants or contracts to community-based organizations, Indian Tribes and Tribal organizations, Urban Indian organizations, Native Hawaiian organizations, or other nonprofit organizations working with a community-based organization, or consortia of any such entities, operating in areas with high rates of adverse maternal health outcomes or with significant racial or ethnic disparities in maternal health outcomes.

(b) USE OF FUNDING.—Amounts made available by subsection (a) shall be used for the following activities:

(1) Addressing social determinants of health (as described in Healthy People 2030), including social determinants of maternal health, for pregnant and postpartum individuals and eliminating racial and ethnic disparities in maternal health outcomes by—

(A) hiring, training, or retaining staff;

(B) developing or distributing culturally and linguistically appropriate resources for social services programs;

(C) offering programs and resources to address social determinants of health;

(D) conducting demonstration projects to address social determinants of health;

(E) establishing a culturally and linguistically appropriate resource center that provides multiple social services programs in a single location; and

(F) consulting with pregnant and postpartum individuals to conduct an assessment of the activities conducted under this section.

(2) Promoting evidence-based health literacy and pregnancy, childbirth, and parenting education for pregnant and postpartum individuals, and individuals seeking to become pregnant.

(3) Providing support from perinatal health workers, including clinical and community-based staff members that provide direct care and support services to pregnant and postpartum individuals.

(4) Providing culturally congruent, linguistically appropriate, and trauma-informed training to perinatal health workers, including clinical and community-based staff members that provide direct care and support services to pregnant and postpartum individuals.

(c) TECHNICAL ASSISTANCE.—Using amounts made available under subsection (a), the Secretary shall—

(1) conduct outreach to eligible entities to apply for grants or contracts under subsection (a); and

(2) provide technical assistance, including through a grant or contract, to eligible entities receiving funding pursuant to subsection (a).

SEC. 31032. FUNDING FOR THE OFFICE OF MINORITY HEALTH.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $75,000,000, to remain available until expended, for carrying out a program to award grants or contracts to community-based organizations operating in areas with high rates of adverse maternal health outcomes or with significant racial or ethnic disparities in maternal health outcomes.

(b) USE OF FUNDS.—The Secretary, acting through the Deputy Assistant Secretary for Minority Health, shall use amounts made available under subsection (a) to award grants for the following activities:

(1) Addressing social determinants of health, including social determinants of maternal health, for pregnant and postpartum individuals and eliminating racial and ethnic disparities in maternal health outcomes by—

(A) hiring, training, or retaining staff;

(B) developing or distributing culturally and linguistically appropriate resources for social services programs;

(C) offering programs and resources to address social determinants of health;

(D) conducting demonstration projects to address social determinants of health;

(E) establishing a culturally and linguistically appropriate resource center that provides multiple social services programs in a single location; and

(F) consulting with pregnant and postpartum individuals to conduct an assessment of the activities conducted under this section.

(2) Promoting evidence-based health literacy and pregnancy, childbirth, and parenting education for pregnant and postpartum individuals, and individuals seeking to become pregnant.

(3) Providing support from perinatal health workers, including clinical and community-based staff members that provide direct care and support services to pregnant and postpartum individuals.

(4) Providing culturally congruent, linguistically appropriate, and trauma-informed training to perinatal health workers, including clinical and community-based staff members that provide direct care and support services to pregnant and postpartum individuals.

(c) TECHNICAL ASSISTANCE.—Using amounts made available under subsection (a), the Secretary shall—

(1) conduct outreach to eligible entities to apply for grants or contracts under subsection (a); and

(2) provide technical assistance, including through a grant or contract, to eligible entities receiving funding pursuant to subsection (a).

SEC. 31033. FUNDING TO GROW AND DIVERSIFY THE NURSING WORKFORCE IN MATERNAL AND PERINATAL HEALTH.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $170,000,000, to remain available until expended, for carrying out a program to award grants or contracts to accredited schools of nursing for the purpose of growing and diversifying the perinatal nursing workforce, including through improving the capacity and supply of health care providers.

(b) USES OF FUNDS.—

(1) AWARDEES.—Prioritizing students and registered nurses who plan to practice or currently practice in a health professional shortage area designated under section 332 of the Public Health Service Act (42 U.S.C. 254e), amounts made available to awardees by subsection (a) shall be used for the following activities:

(A) Providing scholarships to students, including those from racial and ethnic groups underrepresented in the health professions, seeking to become nurse practitioners whose education includes a focus on maternal and perinatal health.

(B) Providing scholarships to students seeking to become clinical nurse specialists whose education includes a focus on maternal and perinatal health.

(C) Providing scholarships to students seeking to become certified nurse midwives.

(D) Providing scholarships to registered nurses seeking certification as an obstetrics and gynecology registered nurse.

(2) SECRETARY.—The Secretary shall use amounts made available pursuant to subsection (a) for the following activities:

(A) Developing and implementing strategies to recruit and retain a diverse pool of students seeking to enter careers focused on maternal and perinatal health.

(B) Developing partnerships with practice settings in a health professional shortage area designated under such section for the clinical placements of students at the schools receiving such grants.

(C) Developing curriculum for students seeking to enter careers focused on maternal and perinatal health that includes training programs on bias, racism, discrimination, providing culturally competent care, or trauma-informed care.

(D) Carrying out other activities under title VIII of the Public Health Service Act for the purpose under subsection (a).

SEC. 31034. FUNDING FOR PERINATAL QUALITY COLLABORATIVES.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until expended, for carrying out a program to establish or support perinatal quality collaboratives to improve perinatal care and perinatal health outcomes for pregnant and postpartum individuals and their infants.

SEC. 31035. FUNDING TO GROW AND DIVERSIFY THE DOULA WORKFORCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until expended, for carrying out a program to award grants or contracts to health professions schools, academic health centers, State or local governments, territories, Indian Tribes and Tribal organizations, Urban Indian organizations, Native Hawaiian organizations, or other appropriate public or private nonprofit entities (or consortia of any such entities, including entities promoting multidisciplinary approaches), to establish or expand programs to grow and diversify the doula workforce, including through improving the capacity and supply of health care providers.

(b) USE OF FUNDS.—Amounts made available by subsection (a) shall be used for the following activities:

(1) Establishing programs that provide education and training to individuals seeking appropriate training or certification as doulas.

(2) Expanding the capacity of existing programs described in paragraph (1), for the purpose of increasing the number of students enrolled in such programs, including by awarding scholarships for students who agree to work in underserved communities after receiving such education and training.

(3) Developing and implementing strategies to recruit and retain students from underserved communities, particularly from demographic groups experiencing high rates of maternal mortality and severe maternal morbidity, including racial and ethnic minority groups, into programs described in paragraphs (1) and (2).

SEC. 31036. FUNDING TO GROW AND DIVERSIFY THE MATERNAL MENTAL HEALTH AND SUBSTANCE USE DISORDER TREATMENT WORKFORCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $75,000,000, to remain available until expended, for carrying out a program to award grants or contracts to health professions schools, academic health centers, State or local governments, territories, Indian Tribes and Tribal organizations, Urban Indian organizations, Native Hawaiian organizations, or other appropriate public or private nonprofit entities (or consortia of any such entities, including entities promoting multidisciplinary approaches), to establish or expand programs to grow and diversify the maternal mental health and substance use disorder treatment workforce, including through improving the capacity and supply of health care providers.

(b) USE OF FUNDS.—Amounts made available by subsection (a) shall be used for the following activities:

(1) Establishing programs that provide education and training to individuals seeking appropriate licensing or certification as mental health or substance use disorder treatment providers who plan to specialize in maternal mental health conditions or substance use disorders.

(2) Expanding the capacity of existing programs described in paragraph (1), for the purposes of increasing the number of students enrolled in such programs, including by awarding scholarships for students.

(3) Developing and implementing strategies to recruit and retain students from underserved communities into programs described in paragraphs (1) and (2).

SEC. 31037. FUNDING FOR MATERNAL MENTAL HEALTH EQUITY GRANT PROGRAMS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until expended, for carrying out a program to award grants or contracts to community-based organizations, Indian Tribes and Tribal organizations, Urban Indian organizations, Native Hawaiian organizations, health care providers, accredited medical schools, accredited schools of nursing, teaching hospitals, accredited midwifery programs, physician assistant education programs, residency or fellowship programs, or other nonprofit organizations, schools, or programs determined appropriate by the Secretary, or consortia of any such entities, to address maternal mental health conditions and substance use disorders with respect to pregnant, lactating, and postpartum individuals in areas with high rates of adverse maternal health outcomes or with significant racial or ethnic disparities in maternal health outcomes.

(b) USE OF FUNDS.—Amounts made available pursuant to subsection (a), prioritizing community-based organizations, shall be for the following activities:

(1) Establishing or expanding maternity care programs to improve—

(A) the integration of mental health and substance use disorder treatment services into primary care settings where pregnant individuals regularly receive health care services; and

(B) the coordination between such primary care settings and mental health and substance use disorder professionals who treat maternal mental health conditions and substance use disorders.

(2) Establishing or expanding programs that improve maternal mental health and substance use disorder treatment from the preconception through the postpartum periods, with a focus on individuals from racial and ethnic minority groups with high rates of maternal mortality and morbidity.

(3) Establishing or expanding programs to prevent suicide or self-harm among pregnant, lactating, and postpartum individuals.

(4) Establishing or expanding programs to provide education and training to maternity care providers, with respect to identifying potential warning signs for maternal mental health conditions or substance use disorders in pregnant, lactating, and postpartum individuals, with a focus on individuals from racial and ethnic minority groups and offering referrals to mental health substance use disorder treatment professionals.

(5) Raising awareness of, and addressing stigma associated with, maternal mental health conditions and substance use disorders, with a focus on pregnant, lactating, and postpartum individuals from racial and ethnic minority groups.

(6) Carrying out other evidence-based or evidence-informed programs to address maternal mental health conditions and substance use disorders for pregnant and postpartum individuals from racial and ethnic minority groups.

SEC. 31038. FUNDING FOR EDUCATION AND TRAINING AT HEALTH PROFESSIONS SCHOOLS TO IDENTIFY AND ADDRESS HEALTH RISKS ASSOCIATED WITH CLIMATE CHANGE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $85,000,000, to remain available until expended, for carrying out a program to award grants or contracts to accredited medical schools, accredited schools of nursing, teaching hospitals, accredited midwifery programs, physician assistant education programs, residency or fellowship programs, or other schools or programs determined appropriate by the Secretary, or consortia of any such entities, to support the development and integration of education and training programs for identifying and addressing health risks associated with climate change for pregnant, lactating, and postpartum individuals.

(b) USE OF FUNDS.—Amounts made available by subsection (a) shall be used for developing, integrating, and implementing curriculum and continuing education that focuses on the following:

(1) Identifying health risks associated with climate change for pregnant, lactating, and postpartum individuals and individuals with the intent to become pregnant.

(2) How health risks associated with climate change affect pregnant, lactating, and postpartum individuals and individuals with the intent to become pregnant.

(3) Racial and ethnic disparities in exposure to, and the effects of, health risks associated with climate change for pregnant, lactating, and postpartum individuals and individuals with the intent to become pregnant.

(4) Patient counseling and mitigation strategies relating to health risks associated with climate change for pregnant, lactating, and postpartum individuals.

(5) Relevant services and support for pregnant, lactating, and postpartum individuals relating to health risks associated with climate change and strategies for ensuring such individuals have access to such services and support.

(6) Implicit and explicit bias, racism, and discrimination in providing care to pregnant, lactating, and postpartum individuals and individuals with the intent to become pregnant.

SEC. 31039. FUNDING FOR MINORITY-SERVING INSTITUTIONS TO STUDY MATERNAL MORTALITY, SEVERE MATERNAL MORBIDITY, AND ADVERSE MATERNAL HEALTH OUTCOMES.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until expended for carrying out a program to award grants or contracts to minority-serving institutions described in section 371 of the Higher Education Act of 1965 (20 U.S.C. 1067q) to study maternal mortality, severe maternal morbidity, and maternal health outcomes.

(b) USE OF FUNDS.—Amounts made available to an awardee under subsection (a) shall be used for the purpose specified in such subsection, including the following activities:

(1) Developing and implementing systematic processes of listening to the stories of pregnant and postpartum individuals from racial and ethnic minority groups, and perinatal health workers supporting such individuals, to fully understand the causes of, and inform potential solutions to, the maternal mortality and severe maternal morbidity crisis within their respective communities.

(2) Assessing the potential causes of relatively low rates of maternal mortality among Hispanic individuals and foreign-born Black women.

(3) Assessing differences in rates of adverse maternal health outcomes among subgroups identifying as Hispanic.

(4) Conducting research on maternal morbidity and mortality, with a focus on health disparities.

(c) TECHNICAL ASSISTANCE.—Using amounts made available by subsection (a), the Secretary shall conduct outreach to minority-serving institutions (as described in section 371 of the Higher Education Act of 1965 (20 U.S.C. 1067q))—

(1) to inform and raise awareness of the availability funding through a grant or contract awarded pursuant to this section;

(2) to provide technical assistance, including through a grant or contract, on the application process for grants or contracts awarded pursuant to subsection (a); and

(3) to promote capacity building to eligible entities for grant applications pursuant to subsection (a).

SEC. 31040. FUNDING FOR IDENTIFICATION OF MATERNITY CARE HEALTH PROFESSIONAL TARGET AREAS.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until expended, for carrying out section 332(k) of the Public Health Service Act (42 U.S.C. 254e(k)).

SEC. 31041. FUNDING FOR MATERNAL MORTALITY REVIEW COMMITTEES TO PROMOTE REPRESENTATIVE COMMUNITY ENGAGEMENT.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until expended, for carrying out section 317K(d) of the Public Health Service Act (42 U.S.C. 247b–12(d)) to promote community engagement in maternal mortality review committees to increase the diversity of a committee's membership with respect to race and ethnicity, location, and professional background.

SEC. 31042. FUNDING FOR THE SURVEILLANCE FOR EMERGING THREATS TO MOTHERS AND BABIES.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until expended, for carrying out section 317C of the Public Health Service Act (42 U.S.C. 247b–4) with respect to conducting surveillance for emerging threats to mothers and babies.

(b) USE OF FUNDS.—Amounts made available by subsection (a) shall be used for the following activities:

(1) Expanding the Surveillance for Emerging Threats to Mothers and Babies activities of the Centers for Disease Control and Prevention.

(2) Working with public health, clinical, and community-based organizations to provide timely, continually updated, evidence-based guidance to families and health care providers on ways to reduce risk to pregnant and postpartum individuals and their newborns and tailor interventions to improve their long-term health.

(3) Partnering with more State, Tribal, territorial, and local public health programs in the collection and analysis of clinical data on the impact of COVID–19 on pregnant and postpartum patients and their newborns, particularly among patients from racial and ethnic minority groups.

(4) Establishing regionally based centers of excellence to offer medical, public health, and other knowledge (in coordination with State and Tribal public health authorities) to ensure that communities, especially communities with large populations of individuals from racial and ethnic minority groups, can help pregnant and postpartum individuals and newborns get the care and support they need.

SEC. 31043. FUNDING FOR ENHANCING REVIEWS AND SURVEILLANCE TO ELIMINATE MATERNAL MORTALITY PROGRAM.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $30,000,000, to remain available until expended, for carrying out the Enhancing Reviews and Surveillance to Eliminate Maternal Mortality program established under section 317K of the Public Health Service Act (42 U.S.C. 247b–12).

(b) USE OF FUNDS.—Amounts made available by subsection (a) shall be used for the following activities:

(1) Expanding the Enhancing Reviews and Surveillance to Eliminate Maternal Mortality program (commonly known as the ''ERASE MM program'') of the Centers for Disease Control and Prevention.

(2) Expanding partnerships with States, territories, Indian Tribes, and Tribal organizations to support Maternal Mortality Review Committees.

(3) Providing technical assistance to existing maternal mortality review committees.

SEC. 31044. FUNDING FOR THE PREGNANCY RISK ASSESSMENT MONITORING SYSTEM.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until expended, for carrying out section 317K of the Public Health Service Act (42 U.S.C. 247b–12) with respect to the Pregnancy Risk Assessment Monitoring System.

(b) USE OF FUNDS.—Amounts made available by subsection (a) shall be used for the following activities:

(1) Supporting COVID–19 supplements to the Pregnancy Risk Assessment Monitoring System questionnaire.

(2) Conducting a rapid assessment of COVID–19 awareness, impact on care and experiences, and use of preventive measures among pregnant, laboring and birthing, and postpartum individuals.

(3) Supporting the transition of the questionnaire described in paragraph (1) to an electronic platform and expanding the distribution of the questionnaire to a larger population, with a special focus on reaching underrepresented communities.

SEC. 31045. FUNDING FOR THE NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until expended, for carrying out section 301 of the Public Health Service Act (42 U.S.C. 241), with respect to child health and human development and activities of the Eunice Kennedy Shriver National Institute of Child Health and Human Development described in section 448 of the Public Health Service Act (42 U.S.C. 285g), to conduct or support research for interventions to mitigate the effects of COVID–19 on pregnant, lactating, and postpartum individuals, with a particular focus on individuals from racial and ethnic minority groups.

SEC. 31046. FUNDING FOR EXPANDING THE USE OF TECHNOLOGY-ENABLED COLLABORATIVE LEARNING AND CAPACITY BUILDING MODELS FOR PREGNANT AND POSTPARTUM INDIVIDUALS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $30,000,000, to remain available until expended, for carrying out a program to award grants or contracts to community-based organizations, Indian Tribes and Tribal organizations, Urban Indian organizations, health care providers, accredited medical schools, accredited schools of nursing, teaching hospitals, accredited midwifery programs, physician assistant education programs, residency or fellowship programs, or other schools or programs determined appropriate by the Secretary, or consortia of any such entities, that are operating in health professional shortage areas designated under section 332 of the Public Health Service Act (42 U.S.C. 254e) with high rates of adverse maternal health outcomes or significant racial and ethnic disparities in maternal health outcomes, to evaluate, develop, and expand the use of technology-enabled collaborative learning and capacity building models (as defined in section 330N of the Public Health Service Act (42 U.S.C. 254c–20)).

(b) USE OF FUNDS.—

(1) AWARDEES.—A recipient of a grant or contract awarded pursuant to subsection (a) shall use such amounts to—

(A) train maternal health care providers, students, staff of community-based organizations, and other entities described in subsection (a) through the use and expansion of technology-enabled collaborative learning and capacity building models, including hardware and software that—

(i) enables distance learning and technical support; and

(ii) supports the secure exchange of electronic health information; and

(B) conduct evaluations on the use of technology-enabled collaborative learning and capacity building models to improve maternal health outcomes.

(2) SECRETARY.—The Secretary shall use amounts made available pursuant to subsection (a) to provide technical assistance to recipients of grants awarded pursuant to subsection (a) on the development, use, and sustainability of technology-enabled collaborative learning and capacity building models to expand access to maternal health services provided by such entities.

SEC. 31047. FUNDING FOR PROMOTING EQUITY IN MATERNAL HEALTH OUTCOMES THROUGH DIGITAL TOOLS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $30,000,000, to remain available until expended, for carrying out a program to award grants or contracts to community-based organizations, Indian Tribes and Tribal organizations, Urban Indian organizations, health care providers, accredited medical schools, accredited schools of nursing, teaching hospitals, accredited midwifery programs, physician assistant education programs, residency or fellowship programs, or other schools or programs determined appropriate by the Secretary, or consortia of any such entities, that are operating in health professional shortage areas designated under section 332 of the Public Health Service Act (42 U.S.C. 254e) with high rates of adverse maternal health outcomes or significant racial and ethnic disparities in maternal health outcomes to reduce racial and ethnic disparities in maternal health outcomes by increasing access to digital tools related to maternal health care.

(b) USE OF FUNDS.—Amounts made available to an awardee pursuant to subsection (a) shall be used for the purpose specified in such subsection, including for increasing access to telehealth technologies (as defined in section 330I of the Public Health Service Act (42 U.S.C. 254c–14)) and digital tools that could improve maternal health outcomes, such as wearable technologies, patient portals, telehealth services, and web-based and mobile phone applications, digital health services, secure text messaging, online provider communities, mobile clinical decision support services, and clinical tools to increase diagnostic accuracy.

(c) TECHNICAL ASSISTANCE.—Using amounts made available under subsection (a), the Secretary shall provide technical assistance, including through a grant or contract, to eligible entities receiving funding pursuant to subsection (a) on the development, use, evaluation, and post-grant sustainability of digital tools designed to promote equity and reduce disparities in maternal health outcomes.

SEC. 31048. FUNDING FOR ANTIDISCRIMINATION AND BIAS TRAINING.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until expended, for the purpose described in subsection (b).

(b) USE OF FUNDS.—The Secretary shall, with a focus on maternal health providers, use amounts appropriated under subsection (a) to carry out a program to award competitive grants or contracts to national nonprofit organizations focused on improving health equity, accredited schools of medicine or nursing, and other health professional training programs to develop, disseminate, review, research, and evaluate training for health professionals and all staff who interact with patients to reduce discrimination and bias in the provision of health care, with a focus on maternal health care.

PART 4—OTHER PUBLIC HEALTH INVESTMENTS

SEC. 31051. FUNDING FOR MENTAL HEALTH AND SUBSTANCE USE DISORDER PROFESSIONALS.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until expended, for purposes of carrying out section 597 of the Public Health Service Act (42 U.S.C. 290ll).

SEC. 31052. FUNDING TO SUPPORT PEER RECOVERY SPECIALISTS.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until expended, to carry out section 509 of the Public Health Service Act (42 U.S.C. 290bb–2) with respect to strengthening recovery community organizations and their statewide network of recovery stakeholders.

SEC. 31053. FUNDING FOR PROJECT AWARE.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until expended, for carrying out section 520A of the Public Health Service Act (42 U.S.C. 290bb–32) with respect to advancing wellness and resiliency in education.

SEC. 31054. FUNDING FOR THE NATIONAL SUICIDE PREVENTION LIFELINE.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $75,000,000, to remain available until expended, for advancing infrastructure for the National Suicide Prevention Lifeline program under section 520E–3 of the Public Health Service Act (42 U.S.C. 290bb–36c) in order to expand existing capabilities for response in a manner that avoids duplicating existing capabilities for text-based crisis support.

SEC. 31055. FUNDING FOR COMMUNITY VIOLENCE AND TRAUMA INTERVENTIONS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated $2,500,000,000, to remain available until expended, for the purposes described in subsection (b):

(b) USE OF FUNDING.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, and in consultation with the Assistant Secretary for Mental Health and Substance Use, the Administrator of the Health Resources and Services Administration, the Deputy Assistant Secretary for Minority Health, and the Assistant Secretary for the Administration for Children and Families, shall use amounts appropriated by subsection (a) to support public health-based interventions to reduce community violence and trauma, taking into consideration the needs of communities with high rates of, and prevalence of risk factors associated with, violence-related injuries and deaths, by—

(1) awarding competitive grants or contracts to local governmental entities, States, territories, Indian Tribes and Tribal organizations, Urban Indian organizations, hospitals and community health centers, nonprofit community-based organizations, culturally specific organizations, victim services providers, or other entities as determined by the Secretary (or consortia of such entities) to support evidence-informed, culturally competent, and developmentally appropriate strategies to reduce community violence, including outreach and conflict mediation, hospital-based violence intervention, violence interruption, and services for victims and individuals and communities at risk for experiencing violence, such as trauma-informed mental health care and counseling, social-emotional learning and school-based mental health services, workforce development services, and other services that prevent or mitigate the impact of trauma, build appropriate skills, or promote resilience; and

(2) supporting training, technical assistance, research, evaluation, public health surveillance systems, data collection, and coordination among relevant stakeholders, to facilitate support for strategies to reduce community violence and ensure safe and healthy communities.

(c) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated under this section shall be used to supplement and not supplant any Federal, State, or local funding otherwise made available for the purposes described in this section.

(d) EXPENDITURE REQUIREMENT.—All expenditures made pursuant to subsection (a) shall be made on or before September 30, 2031.

SEC. 31056. FUNDING FOR THE NATIONAL CHILD TRAUMATIC STRESS NETWORK.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until expended, for carrying out section 582 of the Public Health Service Act (42 U.S.C. 290hh–1) with respect to addressing the problem of high-risk or medically underserved persons who experience violence-related stress.

SEC. 31057. FUNDING FOR HIV HEALTH CARE SERVICES PROGRAMS.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $75,000,000, to remain available until expended, for necessary expenses for modifications to existing contracts, and supplements to existing grants and cooperative agreements under parts A, B, C, and D of title XXVI of the Public Health Service Act and section 2692(a) of such Act (42 U.S.C. 300ff–111(a)).

SEC. 31058. FUNDING FOR CLINICAL SERVICES DEMONSTRATION PROJECT.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $60,000,000, to remain available until expended, to, acting through the Administrator of the Health Resources and Services Administration, carry out a program to award grants or contracts to public and private nonprofit clinics for the provision of clinical services, pursuant to a demonstration project under section 318(b)(2) of the Public Health Service Act (42 U.S.C. 247c(b)(2)).

SEC. 31059. FUNDING TO SUPPORT THE LIFESPAN RESPITE CARE PROGRAM.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until expended, for carrying out title XXIX of the Public Health Service Act.

SEC. 31060. FUNDING TO INCREASE RESEARCH CAPACITY AT CERTAIN INSTITUTIONS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $75,000,000, to remain available until expended, for the purposes described in subsection (b).

(b) USE OF FUNDS.—The Secretary, acting through the Director of the National Institutes of Health, shall use amounts made available under subsection (a) to—

(1) maintain and expand programs to increase research capacity at minority-serving institutions (as described in section 371 of the Higher Education Act of 1965 (20 U.S.C. 1067q)), including by supporting the Path to Excellence and Innovation program of the National Institutes of Health;

(2) support centers of excellence under sections 464z–4 and 736 of the Public Health Service Act (42 U.S.C. 285t–1, 293);

(3) support efforts to diversify the national scientific workforce and expand recruitment and retention of individuals who are—

(A) underrepresented in the biomedical, clinical, behavioral, and social sciences; and

(B) from disadvantaged backgrounds; and

(4) support and expand the activities of the Scientific Workforce Diversity Office of the National Institutes of Health.

SEC. 31061. FUNDING FOR RESEARCH RELATED TO DEVELOPMENTAL DELAYS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until expended, for the purpose described in subsection (b).

(b) USE OF FUNDS.—The Secretary, acting through the Director of the National Institutes of Health, shall use amounts appropriated by subsection (a) to conduct or support research related to developmental delays, including speech and language delays in infants and toddlers, characterizing speech and language development and outcomes in infants and toddlers through early adolescence. Such research shall include studies, including longitudinal studies, conducted or supported by the National Institute on Deafness and Other Communication Disorders, the Eunice Kennedy Shriver National Institute of Child Health and Human Development, and other relevant institutes and centers of the National Institutes of Health.

(c) SUPPLEMENT, NOT SUPPLANT.—Amounts made available to carry out this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to conduct or support research related to developmental delays, including speech and language delays, in infants, toddlers, and children.

SEC. 31062. SUPPLEMENTAL FUNDING FOR THE WORLD TRADE CENTER HEALTH PROGRAM.

(a) IN GENERAL.—Title XXXIII of the Public Health Service Act is amended by adding at the end the following:

"SEC. 3352. SUPPLEMENTAL FUND.

''(a) IN GENERAL.—There is established a fund to be known as the World Trade Center Health Program Supplemental Fund (referred to in this section as the 'Supplemental Fund'), consisting of amounts deposited into the Supplemental Fund under subsection (b).

''(b) AMOUNT.—Out of any money in the Treasury not otherwise appropriated, there is appropriated for fiscal year 2022, $2,860,000,000, for deposit into the Supplemental Fund, which amounts shall remain available through fiscal year 2031.

''(c) USE OF FUNDS.—Amounts deposited into the Supplemental Fund under subsection (b) shall be available, without further appropriation and without regard to any spending limitation under section 3351(c), to the WTC Program Administrator as needed at the discretion of

such Administrator for carrying out any provision in this title, including sections 3303 and 3341(c).

''(d) RETURN OF FUNDS.—Any amounts that remain in the Supplemental Fund on September 30, 2031, shall be deposited into the Treasury as miscellaneous receipts.''.

(b) CONFORMING AMENDMENTS.—Title XXXIII of the Public Health Service Act is amended—

(1) in section 3311(a)(4)(B)(i)(II) (42 U.S.C. 300mm–21(a)(4)(B)(i)(II)), by striking ''section 3351'' and inserting ''sections 3351 and 3352'';

(2) in section 3321(a)(3)(B)(i)(II) (42 U.S.C. 300mm–31(a)(3)(B)(i)(II)), by striking ''section 3351'' and inserting ''sections 3351 and 3352'';

(3) in section 3331 (42 U.S.C. 300mm–41)—

(A) in subsection (a), by inserting ''and the World Trade Center Health Program Supplemental Fund'' before the period at the end; and

(B) in subsection (d)—

(i) in paragraph (1)(B), by inserting ''(excluding any expenditures from amounts in the World Trade Center Health Program Supplemental Fund under section 3352)'' before the period at the end; and

(ii) in paragraph (2), in the flush text following subparagraph (C), by inserting ''(excluding any expenditures from amounts in the World Trade Center Health Program Supplemental Fund under section 3352)'' before the period at the end; and

(4) in section 3351(b) (42 U.S.C. 300mm–61(b))—

(A) in paragraph (2), by inserting ''or as available from the World Trade Center Health Program Supplemental Fund under section 3352'' before the period at the end; and

(B) in paragraph (3), by inserting ''or as available from the World Trade Center Health Program Supplemental Fund under section 3352'' before the period at the end.

PART 5—NATIVE HAWAIIAN PROVISIONS

SEC. 31071. NATIVE HAWAIIAN HEALTH CARE SYSTEMS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2031, for the Secretary, not later than 180 days after the date of enactment of this Act, to award grants to, or enter into contracts with, Papa Ola Lokahi to support services described in section 6(c) of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11705(c)) in accordance with this section.

(b) USE OF FUNDS.—Amounts made available to an awardee pursuant to subsection (a) shall be used for—

(1) the purchase, construction, alteration, renovation, or equipping of health facilities;

(2) maintenance and improvement projects;

(3) information technology, telehealth infrastructure, electric health records systems, and medical equipment; and

(4) awarding grants to, or entering into contracts with, Native Hawaiian health care systems (directly, or through subgrants or subcontracts) to support services described in section 6(c) of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11705(c)), on the condition that such grants or contracts may only be used for the purposes and uses described in paragraphs (1) through (3).

(c) WAIVER OF CERTAIN RESTRICTIONS.—Subsections (e) and (f)(4) of section 6 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11705(e), 11705(f)(4)) shall not apply to grants (or subgrants) made using amounts made available under subsection (a).

(d) DEFINITIONS.—In this section:

(1) NATIVE HAWAIIAN HEALTH CARE SYSTEM.—The term ''Native Hawaiian health care system'' has the meaning given the term in section 12 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11711).

(2) PAPA OLA LOKAHI.—The term ''Papa Ola Lokahi'' has the meaning given the term in section 12 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11711).

SEC. 31072. NATIVE HAWAIIAN HEALTH IMPROVEMENT GRANTS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $224,000,000, to remain available until September 30, 2031, to award grants to eligible Native Hawaiian entities to improve the health status of Native Hawaiians, including by providing to Native Hawaiians comprehensive health promotion services, disease prevention services, and primary health services, as described in section 6(c) of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11705(c)).

(b) DEFINITION OF ELIGIBLE NATIVE HAWAIIAN ENTITY.—In this section, the term ''eligible Native Hawaiian entity'' means—

(1) Papa Ola Lokahi (as defined in section 12 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11711));

(2) a Native Hawaiian health care system (as defined in section 12 of that Act (42 U.S.C. 11711));

(3) a Native Hawaiian organization (as defined in section 12 of that Act (42 U.S.C. 11711));

(4) a consortium of 2 or more entities described in paragraphs (1) through (3); and

(5) a consortium that contains at least 1 entity described in any of paragraphs (1) through (3).

SEC. 31073. NATIVE HAWAIIAN HEALTH CARE SYSTEMS LIABILITY COVERAGE.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall apply section 102(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5321(d)) to—

(1) a Native Hawaiian health care system that receives a grant from or enters into a contract with the Secretary under section 6 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11705) to the same extent as section 102(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5321(d)) applies to an Indian Tribe, a Tribal organization, and an Indian contractor that carries out a contract, grant agreement, or cooperative agreement, as applicable, under section 102 or 103 of that Act (25 U.S.C. 5321, 5322); and

(2) the employees of a Native Hawaiian health care system that receives a grant from or enters into a contract with the Secretary under section 6 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11705) to the same extent as section 102(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5321(d)) applies to the employees of an Indian Tribe, a Tribal organization, or an Indian contractor that carries out a contract, grant agreement, or cooperative agreement, as applicable, under section 102 or 103 of that Act (25 U.S.C. 5321, 5322).

(b) EFFECTIVE DATE.—For purposes of subsection (a), each reference to December 22, 1987, and the reference to the date of enactment of the Indian Self-Determination and Education Assistance Act Amendments of 1990 contained in section 102(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5321(d)) shall be deemed to be a reference to the date of enactment of this section.

(c) SUNSET.—This section shall cease to have force or effect on October 1, 2031.

Subtitle J—Next Generation 9–1–1

SEC. 31101. DEPLOYMENT OF NEXT GENERATION 9–1–1.

(a) APPROPRIATION.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Assistant Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $470,000,000, to remain available until September 30, 2030, to make grants to eligible entities for implementing and maintaining Next Generation 9–1–1 in accordance with subsection (b).

(2) ADMINISTRATIVE EXPENSES.—In addition to amounts otherwise available, there is appropriated to the Assistant Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2030, to administer this section.

(b) USE OF FUNDS.—An eligible entity may use grant funds received under this section for—

(1) reasonable costs associated with planning, implementation, and development activities, including such activities related to the grant application;

(2) deployment, operation, and maintenance of interoperable and reliable Next Generation 9–1–1, including ensuring the cybersecurity of Next Generation 9–1–1; and

(3) training of personnel related to Next Generation 9–1–1.

(c) CLAWBACK.—The Assistant Secretary shall recover some or all of the grant funds made available to an eligible entity under this section if—

(1) the eligible entity uses the funds for any other purpose than those set forth in subsection (b);

(2) the eligible entity fails to establish a funding mechanism for Next Generation 9–1–1 sufficient to cover operations, maintenance, and upgrade costs within 3 years of the establishment of the grant program;

(3) the eligible entity engages in the diversion of any 9–1–1 fee or charge imposed by the eligible entity; or

(4) the eligible entity uses funds to purchase, rent, lease, or otherwise obtain covered communications equipment or services (as defined in section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1608)).

SEC. 31102. ESTABLISHMENT OF NEXT GENERATION 9–1–1 CYBERSECURITY CENTER.

In addition to amounts otherwise available, there is appropriated to the National Telecommunications and Information Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $9,000,000, to remain available until September 30, 2030, for the establishment of a Next Generation 9–1–1 Cybersecurity Center to coordinate with State, local, and regional governments on the sharing of cybersecurity information about, the analysis of cybersecurity threats to, and strategies to detect and prevent cybersecurity intrusions relating to, Next Generation 9–1–1.

SEC. 31103. PUBLIC SAFETY NEXT GENERATION 9–1–1 ADVISORY BOARD.

In addition to amounts otherwise available, there is appropriated to the National Telecommunications and Information Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000, to remain available until September 30, 2030, to establish a 16-member Public Safety Next Generation 9–1–1 Advisory Board, consisting of public safety officials and 9–1–1 professionals from diverse backgrounds and with the necessary technical expertise, to provide recommendations to the Assistant Secretary with respect to carrying out the duties and responsibilities of the Assistant Secretary related to Next Generation 9–1–1, including with respect to the grant program established under section 31101.

SEC. 31104. DEFINITIONS.

In this subtitle:

(1) 9–1–1 FEE OR CHARGE.—The term ''9–1–1 fee or charge'' has the meaning given the term in section 6(f)(3)(D) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1(f)(3)(D)).

(2) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means the Assistant Secretary of Commerce for Communications and Information.

(3) COMMONLY ACCEPTED STANDARDS.—The term ''commonly accepted standards'' means the technical standards followed by the communications industry for network, device, and Internet Protocol connectivity that—

(A) ensure interoperability by enabling emergency communications centers to receive, process, and analyze all types of 9–1–1 requests for emergency assistance (including multimedia and data) and share such requests with other emergency communications centers and emergency response providers without the need for proprietary interfaces and regardless of jurisdiction, equipment, device, software, service provider, or any other factor; and

(B) are developed and approved by a standards development organization that is accredited by a United States or international standards body through a process—

(i) that is consensus-based and open for participation, provides conflict resolution, and invites comment; and

(ii) through which standards are made publicly available once approved.

(4) ELIGIBLE ENTITY.—The term ''eligible entity'' means a State or a Tribal organization that has—

(A) named a single point of contact to coordinate the implementation of Next Generation 9–1–1; and

(B) developed and submitted a plan for the coordination and implementation of Next Generation 9–1–1 consistent with any requirements of the Assistant Secretary.

(5) NEXT GENERATION 9–1–1.—The term ''Next Generation 9–1–1'' means an interoperable, secure, Internet Protocol-based system that—

(A) employs commonly accepted standards;

(B) enables emergency communications centers to receive, process, and analyze all types of 9–1–1 requests for emergency assistance;

(C) acquires and integrates additional information useful to handling 9–1–1 requests for emergency assistance;

(D) supports sharing information related to 9–1–1 requests for emergency assistance among emergency communications centers and emergency response providers without the need for proprietary interfaces and regardless of jurisdiction, equipment, device, software, service provider, or any other factor; and

(E) ensures reliability by enabling ongoing operation, including through the use of geo-diverse device and network agnostic elements that provide more than 1 physical route between end points with no common points where a single failure at that point would cause the operation of Next Generation 9–1–1 to fail.

(6) STATE.—The term ''State'' means any State of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession of the United States.

Subtitle K—Other Matters Related to Connectivity

SEC. 31201. OUTREACH.

In addition to amounts otherwise available, there is appropriated to the Federal Communications Commission for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2031, to conduct outreach and provide education to the public regarding the broadband and communications affordability programs of the Federal Communications Commission to raise awareness about the programs and help consumers access the programs.

SEC. 31202. FUTURE OF TELECOMMUNICATIONS COUNCIL.

In addition to amounts otherwise available, there is appropriated to the Secretary of Commerce for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $7,000,000, to remain available until September 30, 2031, to establish a council of 14 members in coordination with the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Deputy Secretary of Commerce, the Assistant Secretary of Commerce for Communications and Information, the Under Secretary of Commerce for Standards and Technology, the Chair of the Federal Communications Commission, the Director of the National Science Foundation, the Majority Leader of the Senate, and the Speaker of the House of Representatives, to be known as the ''Future of Telecommunications Council'', to advise Congress on the development and adoption of 6G and other advanced wireless communications technologies, including ensuring equity in access to those technologies for communities of color and rural communities.

SEC. 31203. AFFORDABILITY.

(a) DEFINITIONS.—In this section:

(1) BROADBAND; BROADBAND SERVICE.—The term ''broadband'' or ''broadband service'' has the meaning given the term ''broadband internet access service'' in section 8.1 of title 47, Code of Federal Regulations, or any successor regulation.

(2) COVERED BROADBAND SERVICE.—The term ''covered broadband service'' means broadband service being delivered through a broadband network that can easily scale speeds over time to—

(A) meet the evolving connectivity needs of households and businesses; and

(B) support the deployment of 5G, successor wireless technologies, and other advanced services.

(3) COVERED PUBLIC-PRIVATE PARTNERSHIP.—The term ''covered public-private partnership'' means a partnership between—

(A) a State, 1 or more political subdivisions of a State, a utility (including a utility cooperative), a public utility district, a nonprofit organization, a regional planning council, or an economic development authority; and

(B) a provider of covered broadband service.

(4) STATE.—The term ''State'' means any State of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession of the United States.

(b) FUNDING.—

(1) PILOT PROJECTS.—In addition to amounts otherwise available, there is appropriated to the National Telecommunications and Information Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $280,000,000, to remain available until September 30, 2031, for grants to covered public-private partnerships for pilot projects to increase access to affordable covered broadband service in urban communities, including communities of color and for low- and middle-income consumers, through long-term solutions for such affordability.

(2) ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the National Telecommunications and Information Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2031, to administer this section.

(3) ADVISORY COMMITTEE.—In addition to amounts otherwise available, there is appropriated to the National Telecommunications and Information Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, to establish an advisory committee of 12 members consisting of experts on broadband affordability from diverse backgrounds, to be known as the ''Affordable Urban and Suburban Broadband Advisory Committee'', to advise the National Telecommunications and Information Administration, the Federal Communications Commission, and Congress on ways to make broadband more affordable for urban and suburban broadband subscribers, including for communities of color and low- and middle-income consumers, through long-term solutions for such affordability.

SEC. 31204. ACCESS TO DEVICES.

(a) DEFINITIONS.—In this section:

(1) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means the Assistant Secretary of Commerce for Communications and Information.

(2) CONNECTED DEVICE.—The term ''connected device'' means any of the following devices that meets minimum standards established by the Assistant Secretary:

(A) A WiFi-enabled desktop computer.

(B) A WiFi-enabled laptop computer.

(C) A WiFi-enabled tablet computer.

(D) Any similar WiFi-enabled device (except for a telephone or smartphone).

(3) CONNECTED DEVICE DISTRIBUTION PROGRAM.—The term ''connected device distribution program'' means a program approved by the Assistant Secretary that makes available connected devices for free or at a low cost to an eligible household.

(4) ELIGIBLE HOUSEHOLD.—The term ''eligible household'' means a household in which—

(A) at least one member of the household meets the qualifications for the Lifeline program of the Federal Communications Commission, except that a household shall be deemed to meet the income component of those qualifications if the household's income is at or below 200 percent of the Federal Poverty Guidelines for a household of that size;

(B) at least one member of the household has applied for and been approved to receive benefits under the free and reduced price lunch program or the school breakfast program;

(C) at least one member of the household has received a Federal Pell Grant in the current award year, if such award is verifiable through the National Verifier or National Lifeline Accountability Database or a connected device distribution program verifies eligibility; or

(D) at least one member of the household receives assistance through the special supplemental nutritional program for women, infants, and children.

(b) CONNECTED DEVICE GRANT PROGRAM.—

(1) APPROPRIATIONS.—

(A) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Assistant Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $475,000,000, to remain available until September 30, 2031, for the awarding of grants to connected device distribution programs in accordance with this section.

(B) ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the Assistant Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2031, to administer this section, including providing technical assistance to a connected device distribution program.

(C) OUTREACH.—In addition to amounts otherwise available, there is appropriated to the Assistant Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, to conduct outreach related to the availability of grants under this section.

(2) USE OF FUNDS.—

(A) IN GENERAL.—A connected device distribution program shall use grant funds received under this section for—

(i) the reasonable purchase or refurbishment cost of connected devices for distribution to eligible households consistent with this section; and

(ii) the reasonable administrative costs associated with the distribution of connected devices described in clause (i).

(B) LIMITATION.—A connected device distribution program may use grant funds received under this section to provide not more than—

(i) 1 connected device to an eligible household that includes not more than 2 members over the age of 6; or

(ii) 2 connected devices to an eligible household that includes not fewer than 3 members over the age of 6.

(3) CLAWBACK.—If a connected device distribution program is found to have used grant

funds awarded under this section in a manner not permitted under this section or is found to have otherwise violated a requirement under this section, the Assistant Secretary shall recover from the program some or all of the grant funds awarded to the program.

Subtitle L—Distance Learning

SEC. 31301. ADDITIONAL SUPPORT FOR DISTANCE LEARNING.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Emergency Connectivity Fund established under subsection (c)(1) of section 7402 of the American Rescue Plan Act of 2021 (Public Law 117–2) for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $300,000,000, to remain available until September 30, 2030, to provide support under the covered regulations promulgated under subsection (a) of that section, except that that amount shall be used to provide support under the covered regulations for costs incurred after the date of enactment of this Act but before June 30, 2030, regardless of whether those costs are incurred during a COVID–19 emergency period (as defined in subsection (d) of that section).

(b) LIMITATION.—None of the funds appropriated under subsection (a) may be used to purchase, rent, lease, or otherwise obtain any covered communications equipment or service (as defined in section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1608)).

Subtitle M—Manufacturing Supply Chain and Tourism

SEC. 31401. MANUFACTURING SUPPLY CHAIN RESILIENCE.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000,000, to remain available until September 30, 2026, to the Office of the Secretary of Commerce, to support the resilience of manufacturing supply chains affecting interstate commerce and related administrative costs, by—

(1) mapping and monitoring manufacturing supply chains;

(2) facilitating and supporting the establishment of voluntary standards, guidelines, and best practices relevant to the resilience of manufacturing supply chains;

(3) identifying, accelerating, promoting, demonstrating, and deploying technological advances for manufacturing supply chains; and

(4) providing grants, loans, and loan guarantees to maintain and improve manufacturing supply chain resiliency.

SEC. 31402. DESTINATION MARKETING ORGANIZATION GRANT PROGRAM TO PROMOTE SAFE DOMESTIC TRAVEL.

(a) GRANTS FOR DOMESTIC MARKETING ORGANIZATIONS.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $47,500,000, to remain available until September 30, 2024, to the Secretary of Commerce to award grants to destination marketing organizations, including public or public-private entities that perform the functions of a destination marketing organization as determined by the Secretary, to conduct marketing activities to promote domestic travel within the United States, including with respect to current travel requirements and safe travel practices, with preference to destination marketing organizations promoting a town, city, State, or region where the civilian labor force in the accommodation, leisure, and hospitality sector has suffered, and continues to suffer, significant job losses as a result of the COVID–19 pandemic, as determined by the Secretary.

(b) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,500,000, to remain available until September 30, 2027, to the Secretary of Commerce for administrative costs associated with providing grants under subsection (a).

(c) DATA ON DOMESTIC TRAVEL AND TOURISM.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000, to remain available until September 30, 2027, to the Secretary of Commerce to collect data on domestic travel and tourism in the United States, including the impact of the COVID–19 pandemic on domestic travel and tourism.

Subtitle N—FTC Privacy Enforcement

SEC. 31501. FEDERAL TRADE COMMISSION FUNDING FOR A PRIVACY BUREAU AND RELATED EXPENSES.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2029, to the Federal Trade Commission to create and operate a bureau, including by hiring and retaining technologists, user experience designers, and other experts as the Commission considers appropriate, to accomplish its work related to unfair or deceptive acts or practices relating to privacy, data security, identity theft, data abuses, and related matters.

SEC. 31502. FEDERAL TRADE COMMISSION.

Section 5(m)(1)(A) of the Federal Trade Commission Act (15 U.S.C. 45(m)(1)(A)) is amended—

(1) by inserting ''this Act's prohibition of unfair or deceptive acts or practices or'' after ''violates'' the first place it appears; and

(2) by inserting ''a violation of this Act or'' after ''unfair or deceptive and''.

Subtitle O—Department of Commerce Inspector General

SEC. 31601. FUNDING FOR THE OFFICE OF INSPECTOR GENERAL OF THE DEPARTMENT OF COMMERCE.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2030, to the Office of Inspector General of the Department of Commerce for oversight of activities supported with funds appropriated to the Department of Commerce in this Act.

TITLE IV—COMMITTEE ON FINANCIAL SERVICES

Subtitle A—Creating and Preserving Affordable, Equitable and Accessible Housing for the 21st Century

SEC. 40001. PUBLIC HOUSING INVESTMENTS.

(a) APPROPRIATION.—In addition to amounts otherwise made available, there is appropriated to the Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $10,000,000,000, to remain available until September 30, 2031, for the Capital Fund under section 9(d) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d)) pursuant to the same formula as in fiscal year 2021, to be made available within 60 days of the date of the enactment of this Act;

(2) $53,000,000,000, to remain available until September 30, 2026, for eligible activities under section 9(d)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d)(1)) for priority investments as determined by the Secretary to repair, replace, or construct properties assisted under such section 9;

(3) $1,200,000,000, to remain available until September 30, 2026, for competitive grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) (in this section referred to as ''section 24''), under the terms and conditions in subsection (b), for transformation, rehabilitation, and replacement housing needs of public and assisted housing, and to transform neighborhoods of poverty into functioning, sustainable mixed-income neighborhoods;

(4) $750,000,000, to remain available until September 30, 2031, for the costs to the Secretary of administering and overseeing the implementation of this section and the Public Housing Capital Fund and the section 24 grant program generally, including information technology, financial reporting, research and evaluation, other cross-program costs in support of programs administered by the Secretary in this title, and other costs; and

(5) $50,000,000, to remain available until September 30, 2031, to make new awards or increase prior awards to existing technical assistance providers to provide an increase in capacity building and technical assistance available to entities eligible for funding for activities or projects consistent with this section.

(b) TERMS AND CONDITIONS FOR SECTION 24 GRANTS.—Grants awarded under subsection (a)(3) shall be subject to terms and conditions determined by the Secretary, which shall include the following:

(1) USE.—Grant funds may be used for resident and community services, community development and revitalization, and affordable housing needs in the community.

(2) APPLICANTS.—Eligible recipients of grants shall include lead applicants and joint applicants, as follows:

(A) LEAD APPLICANTS.—A lead applicant shall be a local government, a public housing agency, or an owner of an assisted housing property.

(B) JOINT APPLICANTS.—A nonprofit organization or a for-profit developer may apply jointly as a joint applicant with such public entities specified in subparagraph (A). A local government must be a joint applicant with an owner of an assisted housing property specified in subparagraph (A).

(3) PERIOD OF AFFORDABILITY.—Grantees shall commit to a period of affordability determined by the Secretary of not fewer than 20 years, but the Secretary may specify a period of affordability that is fewer than 20 years with respect to homeownership units developed with section 24 grants.

(4) ENVIRONMENTAL REVIEW.—For purposes of environmental review, a grantee shall be treated as a public housing agency under section 26 of the United States Housing Act of 1937 (42 U.S.C. 1437x).

(5) LOW-INCOME AND AFFORDABLE HOUSING.—Amounts made available under this section shall be used for low-income housing (as such term is defined under section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b))), HUD-assisted housing, and affordable housing, which shall be housing for which the owner of the project shall record an affordability use restriction approved by the Secretary for households earning up to 120 percent of the area median income and is subject to the period of affordability under paragraph (3) of this subsection.

(c) OTHER TERMS AND CONDITIONS.—Grants awarded under this section shall be subject to the following terms and conditions:

(1) LIMITATION.—Amounts provided pursuant to this section may not be used for operating costs or rental assistance.

(2) DEVELOPMENT OF NEW UNITS.—Paragraph (3) of section 9(g) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(3)) shall not apply to new funds made available under this section.

(3) HEALTH AND SAFETY.—Amounts made available under this section shall be used to address health, safety, and environmental hazards, including lead, fire, carbon monoxide, mold, asbestos, radon, pest infestation, and other hazards as defined by the Secretary.

(4) ENERGY EFFICIENCY AND RESILIENCE.—Amounts made available under this section shall advance improvements to energy and water efficiency or climate and disaster resilience in housing assisted under this section.

(5) RECAPTURE.—If the Secretary recaptures funding allocated by formula from a public housing agency under subsection (a)(1), such recaptured amounts shall be added to the amounts

available under subsection (a)(2), and shall be obligated by the Secretary prior to the expiration of such funds.

(6) SUPPLEMENTATION OF FUNDS.—The Secretary shall ensure that amounts provided pursuant to this section shall serve to supplement and not supplant other amounts generated by a recipient of such amounts or amounts provided by other Federal, State, or local sources.

(7) WAIVERS AND ALTERNATIVE REQUIREMENTS.—The Secretary may waive or specify alternative requirements for subsections (d)(1), (d)(2), (e), and (j) of section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) and associated regulations in connection with the use of amounts made available under this section other than requirements related to tenant rights and protections, fair housing, nondiscrimination, labor standards, and the environment, upon a finding that the waiver or alternative requirement is necessary to facilitate the use of amounts made available under this section.

(d) IMPLEMENTATION.—The Secretary shall have authority to issue such regulations or notices, or other guidance, forms, instructions, and publications to carry out the programs, projects, or activities authorized under this section to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40002. INVESTMENTS IN AFFORDABLE AND ACCESSIBLE HOUSING PRODUCTION.

(a) APPROPRIATION.—In addition to amounts otherwise made available, there is appropriated to the Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $9,925,000,000, to remain available until September 30, 2026, for activities and assistance for the HOME Investment Partnerships Program (in this section referred to as the ''HOME program''), as authorized under sections 241 through 242, 244 through 253, 255 through 256, and 281 through 290 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741-12742, 42 U.S.C. 12744-12753, 42 U.S.C. 12755-12756, 42 U.S.C. 12831-12840) (in this section referred to as ''NAHA''), subject to the terms and conditions paragraph (1)(A) of subsection (b);

(2) $14,925,000,000, to remain available until September 30, 2026, for activities and assistance for the HOME Investment Partnerships Program, as authorized under sections 241 through 242, 244 through 253, 255 through 256, and 281 through 290 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741-12742, 42 U.S.C. 12744-12753, 42 U.S.C. 12755-12756, 42 U.S.C. 12831-12840), subject to the terms and conditions in paragraphs (1)(B) and (2) of subsection (b);

(3) $50,000,000, to remain available until September 30, 2031, to make new awards or increase prior awards to existing technical assistance providers to provide an increase in capacity building and technical assistance available to any grantees implementing activities or projects consistent with this section; and

(4) $100,000,000, to remain available until September 30, 2031, for the costs to the Secretary of administering and overseeing the implementation of this section and the HOME and Housing Trust Fund programs generally, including information technology, financial reporting, research and evaluations, and other cross-program costs in support of programs administered by the Secretary in this title, and other costs.

(b) TERMS AND CONDITIONS.—

(1) FORMULAS.—

(A) The Secretary shall allocate amounts made available under subsection (a)(1) pursuant to section 217 of NAHA (42 U.S.C. 12747) to grantees that received allocations pursuant to that same formula in fiscal year 2021 and shall make such allocations within 60 days of the enactment of this Act.

(B) The Secretary shall allocate amounts made available under subsection (a)(2) pursuant to the formula specified in section 1338(c)(3) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4568(c)(3)) to grantees that received Housing Trust Fund allocations pursuant to that same formula in fiscal year 2021 and shall make such allocations within 60 days of the date of the enactment of this Act.

(2) ELIGIBLE ACTIVITIES.—Other than as provided in paragraph (5) of this subsection, funds made available under subsection (a)(2) may only be used for eligible activities described in subparagraphs (A) through (B)(i) of section 1338(c)(7) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4568(c)(7)), except that not more than 10 percent of funds made available may be used for activities under such subparagraph (B)(i).

(3) FUNDING RESTRICTIONS.—The commitment requirements in section 218(g) (42 U.S.C. 12748(g)) of NAHA, the matching requirements in section 220 (42 U.S.C. 12750) of NAHA, and the set-aside for housing developed, sponsored, or owned by community housing development organizations required in section 231 of NAHA (42 U.S.C. 12771) shall not apply for amounts made available under this section.

(4) REALLOCATION.—For funds provided under paragraphs (1) and (2) of subsection (a), the Secretary may recapture certain amounts remaining available to a grantee under this section or amounts declined by a grantee, and reallocate such amounts to other grantees under that paragraph to ensure fund expenditure, geographic diversity, and availability of funding to communities within the State from which the funds have been recaptured.

(5) ADMINISTRATION.— Notwithstanding subsections (c) and (d)(1) of section 212 of NAHA (42 U.S.C. 12742), grantees may use not more than 15 percent of their allocations under this section for administrative and planning costs.

(c) WAIVERS.—The Secretary may waive or specify alternative requirements for any provision of the Cranston-Gonzalez National Affordable Housing Act specified in subsection (a)(1) or (a)(2) or regulation for the administration of the amounts made available under this section other than requirements related to tenant rights and protections, fair housing, nondiscrimination, labor standards, and the environment, upon a finding that the waiver or alternative requirement is necessary to facilitate the use of amounts made available under this section.

(d) IMPLEMENTATION.—The Secretary shall have authority to issue such regulations, notices, or other guidance, forms, instructions, and publications to carry out the programs, projects, or activities authorized under this section to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40003. HOUSING INVESTMENT FUND.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2026—

(1) $740,000,000 to the Department of the Treasury to establish the Housing Investment Fund established by this section within the Community Development Financial Institutions Fund (in this section referred to as the ''CDFI Fund'') to make grants to increase investment in the development, preservation, rehabilitation, financing, or purchase of affordable housing primarily for low-, very-low, and extremely low-income families who are renters, and for homeowners with incomes up to 120 percent of the area median income, and for economic development and community facilities related to such housing and to further fair housing; and

(2) $10,000,000 for the costs to the CDFI Fund of administering and overseeing the implementation of this section, including information technology, financial reporting, research and evaluations, and other costs.

(b) ELIGIBLE GRANTEES.—A grant under this section may be made, pursuant to such requirements as the CDFI Fund shall establish, only to—

(1) a CDFI Fund certified community development financial institution, as such term is defined in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702);

(2) a nonprofit organization having as one of its principal purposes the creation, development, or preservation of affordable housing, including a subsidiary of a public housing authority; or

(3) a consortium comprised of certified community development financial institutions, eligible nonprofit housing organizations, or a combination of both.

(c) ELIGIBLE USES.—Eligible uses for grant amounts awarded from the Housing Investment Fund pursuant to this section shall—

(1) be reasonably expected to result in eligible affordable housing activities that support or sustain affordable housing funded by a grant under this section and capital from other public and private sources; and

(2) include activities—

(A) to provide loan loss reserves;

(B) to capitalize an acquisition fund to acquire residential, industrial, or commercial property and land for the purpose of the preservation, development, or rehabilitation of affordable housing, including to support the creation, preservation, or rehabilitation of resident-owned manufactured housing communities;

(C) to capitalize an affordable housing fund, for development, preservation, rehabilitation, or financing of affordable housing and economic development activities, including community facilities, if part of a mixed-use project, or activities described in this paragraph related to transit-oriented development, which may also be designated as a focus of such a fund;

(D) to capitalize an affordable housing mortgage fund, to facilitate the origination of mortgages to buyers that may experience significant barriers to accessing affordable mortgage credit, including mortgages having low original principal obligations;

(E) for risk-sharing loans;

(F) to provide loan guarantees; and

(G) to fund rental housing operations.

(d) IMPLEMENTATION.—The CDFI Fund shall have the authority to issue such regulations, notice, or other guidance, forms, instructions, and publications to carry out the programs, projects, or activities authorized under this section to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40004. SECTION 811 SUPPORTIVE HOUSING FOR PEOPLE WITH DISABILITIES.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $450,000,000 for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(b)(2)) (in this section referred to as the ''Act''), and subject to subsections (a) through (h)(4), (h)(6) through (i)(1)(C), and (i)(2) through (m) of such section 811 (42 U.S.C. 8013(a)-42 U.S.C. 8013(h)(4), 42 U.S.C. 8013(h)(6)-42 U.S.C. 8013(i)(1)(C), 42 U.S.C. 8013(i)(2)-42 U.S.C. 8013(m)), and for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of the Act and for project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667), for project rental assistance to State housing finance agencies and other appropriate entities as authorized under section 811(b)(3) of the Act, for State housing finance agencies;

(2) $7,500,000 for providing technical assistance to support State-level efforts to integrate

housing assistance and voluntary supportive services for residents of housing receiving such assistance, which funding may also be used to provide technical assistance to applicants and potential applicants to understand program requirements and develop effective applications, and the Secretary may use amounts made available under this paragraph to increase prior awards to existing technical assistance providers to provide an immediate increase in capacity building and technical assistance; and

(3) $42,500,000 for the costs to the Secretary of administering and overseeing the implementation of this section and the Supportive Housing for Persons with Disabilities program generally, including information technology, financial reporting, research and evaluations, other cross-program costs in support of programs administered by the Secretary in this title, and other costs.

Amounts appropriated by this section shall remain available until September 30, 2031.

(b) LIMITATIONS ON COSTS.—When awarding grants under paragraph (1) of subsection (a), the Secretary shall establish and assess reasonable development cost limitations by market area for various types and sizes of supportive housing for persons with disabilities. The Secretary shall not count owner or sponsor contributions of other funding or assistance against the overall cost of a project.

(c) OCCUPANCY STANDARDS.—The owner or sponsor of housing assisted with funds provided under this section may, with the approval of the Secretary, limit occupancy with the housing to persons with disabilities who can benefit from the supportive services offered in connection with the housing.

(d) WAIVERS.—The Secretary may waive or specify alternative requirements for subsection (c) or (bb) of section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f (c), 1437f(bb)) upon a finding that the waiver or alternative requirement is necessary to facilitate the use of amounts made available under this section.

(e) IMPLEMENTATION.—The Secretary shall have authority to issue such regulations, notices, or other guidance, forms, instructions, and publications to carry out the programs, projects, or activities authorized under this section to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40005. SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY PROGRAM.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $450,000,000 for the Supportive Housing for the Elderly Program authorized under section 202 of the Housing Act of 1959, and subject to subsections (a) through (g), (h)(2) through (h)(5), and (i) through (m) of such section 202 (12 U.S.C. 1701q(a)-12 U.S.C. 1701q(g), 12 U.S.C. 1701q(h)(2)-12 U.S.C. 1701q(h)(5), 12 U.S.C. 1701q(i)-12 U.S.C. 1701q(m)) (in this section referred to as the ''Act''), which shall be used—

(A) for capital advance awards in accordance with section 202(c)(1) of the Act to recipients that are eligible under the Act;

(B) for new section 8 project-based rental assistance contracts under section 8(b) of the United States Housing Act of 1937 Act (42 U.S.C. 1437f(b)), subject to subsection (c) of this section, with the Secretary setting the terms of such project-based rental assistance contracts, including the duration and provisions regarding rent setting and rent adjustment, to support the capital advance projects funded under this section; and

(C) for service coordinators;

(2) $7,500,000, to provide technical assistance to support State-level efforts to improve the design and delivery of voluntary supportive services for residents of any housing assisted under the Act and other housing supporting low-income older adults, in order to support residents to age-in-place and avoid institutional care, as well as to assist applicants and potential applicants with project-specific design, and the Secretary may use amounts made available under this paragraph to increase prior awards to existing technical assistance providers to provide an immediate increase in capacity building and technical assistance; and

(3) $42,500,000 for the costs to the Secretary of administering and overseeing the implementation of this section and the Supportive Housing for the Elderly program generally, including information technology, financial reporting, research and evaluation, other cross-program costs in support of programs administered by the Secretary in this title, and other costs.

Amounts appropriated by this section shall remain available until September 30, 2031.

(b) LIMITATION ON COSTS.—When awarding grants under paragraph (1) of subsection (a), the Secretary shall establish and assess reasonable development cost limitations by market area for various types and sizes of supportive housing for the elderly. The Secretary shall not count owner or sponsor contributions of other funding or assistance against the overall cost of a project.

(c) WAIVERS.—The Secretary may waive or specify alternative requirements for any provision of subsection (c) or (bb) of section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f (c), 1437f(bb)) upon a finding that the waiver or alternative requirement is necessary to facilitate the use of amounts made available under this section.

(d) IMPLEMENTATION.—The Secretary shall have authority to issue such regulations, notices, or other guidance, forms, instructions, and publications to carry out the programs, projects, or activities authorized under this section to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40006. IMPROVING ENERGY EFFICIENCY OR WATER EFFICIENCY OR CLIMATE RESILIENCE OF AFFORDABLE HOUSING.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $1,770,000,000, to remain available until September 30, 2028, for the cost of providing direct loans, including the costs of modifying such loans, and for grants, as provided for and subject to terms and conditions in subsection (b), including to subsidize gross obligations for the principal amount of direct loans, not to exceed $4,000,000,000, to fund projects that improve the energy or water efficiency, indoor air quality and sustainability improvements, implement low-emission technologies, materials, or processes, including zero-emission electricity generation, energy storage, or building electrification, electric car charging station installations, or address climate resilience of multifamily properties;

(2) $25,000,000, to remain available until September 30, 2030, for the costs to the Secretary of administering and overseeing the implementation of this section, including information technology, financial reporting, research and evaluation, other cross-program costs in support of programs administered by the Secretary in this title, and other costs;

(3) $120,000,000, to remain available until September 30, 2029, for expenses of contracts administered by the Secretary, including to carry out property climate risk, energy, or water assessments, due diligence, and underwriting functions for such grant and direct loan program; and

(4) $85,000,000, to remain available until September 30, 2028, for energy and water benchmarking of properties eligible to receive grants or loans under this section, regardless of whether they actually received such grants, along with associated data analysis and evaluation at the property and portfolio level, including the development of information technology systems necessary for the collection, evaluation, and analysis of such data.

(b) LOAN AND GRANT TERMS AND CONDITIONS.—Amounts made available under this section shall be for direct loans, grants, and direct loans that can be converted to grants to eligible recipients that agree to an extended period of affordability for the property.

(c) DEFINITIONS.—As used in this section—

(1) the term ''eligible recipient'' means any owner or sponsor of an eligible property; and

(2) the term ''eligible property'' means a property receiving project-based assistance pursuant to—

(A) section 202 of the Housing Act of 1959 (12 U.S.C. 1701q);

(B) section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013); or

(C) section 8(b) of the United States Housing Act of 1937 (42 U.S.C. 1437f(b))

(d) WAIVER.—The Secretary may waive or specify alternative requirements for any provision of subsection (c) or (bb) of section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f(c), 1437f(bb)) upon a finding that the waiver or alternative requirement is necessary to facilitate the use of amounts made available under this section.

(e) IMPLEMENTATION.—The Secretary shall have authority to issue such regulations, notices, or other guidance, forms, instructions, and publications to carry out the programs, projects, or activities authorized under this section to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40007. REVITALIZATION OF DISTRESSED MULTIFAMILY PROPERTIES.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $1,550,000,000 for providing direct loans, which may be forgivable, to owners of distressed properties for the purpose of making necessary physical improvements, including to subsidize gross obligations for the principal amount of direct loans not to exceed $6,000,000,000, subject to the terms and conditions in subsection (b); and

(2) $50,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section and the Office of Housing programs generally, including information technology, financial reporting, research and evaluations, other cross-program costs in support of programs administered by the Secretary in this title, and other costs.

Amounts appropriated by this section shall remain available until September 30, 2029.

(b) LOAN TERMS AND CONDITIONS.—

(1) ELIGIBILITY.—Owners or sponsors of multifamily housing projects who meet each of the following requirements shall be eligible for loan assistance under this section:

(A) The multifamily housing project, including any project from which assistance has been approved to be transferred has deficiencies that cause the project to be at risk of physical obsolescence or economic non-viability.

(B) The actual rents received by the owner or sponsor of the distressed property would not adequately sustain the debt needed to make necessary physical improvements.

(C) The owner or sponsor meets any such additional eligibility criteria as the Secretary determines to be appropriate, considering factors that contributed to the project's deficiencies.

(2) USE OF LOAN FUNDS.—Each recipient of loan assistance under this section may only use such loan assistance to make necessary physical improvements.

(3) LOAN AVAILABILITY.—The Secretary shall only provide loan assistance to an owner or sponsor of a multifamily housing project when such assistance, considered with other financial resources available to the owner or sponsor, is needed to make the necessary physical improvements.

(4) INTEREST RATES AND LENGTH.—Loans provided under this section shall bear interest at 1 percent, and at origination shall have a repayment period coterminous with the affordability period established under paragraph (6), with the frequency and amount of repayments to be determined by requirements established by the Secretary.

(5) LOAN MODIFICATIONS OR FORGIVENESS.—With respect to loans provided under this section, the Secretary may take any of the following actions if the Secretary determines that doing so will preserve affordability of the project:

(A) Waive any due on sale or due on refinancing restriction.

(B) Consent to the terms of new debt to which the loans may be subordinate, even if such new debt would impact the repayment of the loans.

(C) Extend the term of the loan.

(D) Forgive the loan in whole or in part.

(6) EXTENDED AFFORDABILITY PERIOD.—Each recipient of loan assistance under this section shall agree to an extended affordability period for the project that is subject to the loan by extending any existing affordable housing use agreements for an additional 30 years or, if the project is not currently subject to a use agreement establishing affordability requirements, by establishing a use agreement for 30 years.

(7) MATCHING CONTRIBUTION.—Each recipient of loan assistance under this section shall secure at least 20 percent of the total cost needed to make the necessary physical improvements from non-Federal sources, except in cases where the Secretary determines that a lack of financial resources qualifies a loan recipient for—

(A) a reduced contribution below 20 percent; or

(B) an exemption to the matching contribution requirement.

(8) ADDITIONAL LOAN CONDITIONS.—The Secretary may establish additional conditions for loan eligibility provided under this section as the Secretary determines to be appropriate.

(9) PROPERTIES INSURED BY THE SECRETARY.—In the case of any property with respect to which assistance is provided under this section that has a mortgage insured by the Secretary, the Secretary may use funds available under this section as necessary to pay for the costs of modifying such loan.

(c) DEFINITIONS.—As used in this section—

(1) the term ''multifamily housing project'' means a project consisting of five or more dwelling units assisted or approved to receive a transfer of assistance, insured, or with a loan held by the Secretary or a State or State agency in part or in whole pursuant to—

(A) section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), not including subsection (o)(13) of such section;

(B) section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act;

(C) section 202 of the Housing Act of 1959 (former 12 U.S.C. 1701q), as such section existed before the enactment of the Cranston-Gonzalez National Affordable Housing Act;

(D) section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013); or

(E) section 236 of the National Housing Act (12 U.S.C. 1715z-1); and

(2) the term ''necessary physical improvements'' means new construction or capital improvements to an existing multifamily housing project that the Secretary determines are necessary to address the deficiencies or that rise to such a level that delaying physical improvements to the project would be detrimental to the longevity of the project as suitable housing for occupancy.

(d) WAIVER.—The Secretary may waive or specify alternative requirements for any provision of subsection (c) or (bb) of section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f(c), 1437f(bb)) upon a finding that the waiver or alternative requirement is necessary to facilitate the use of amounts made available under this section.

(e) IMPLEMENTATION.—The Secretary shall have the authority to issue such regulations, notices, or other guidance, forms, instructions, and publications to carry out the programs, projects, or activities authorized under this section to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40008. INVESTMENTS IN RURAL RENTAL HOUSING.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Rural Housing Service of the Department of Agriculture for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $1,800,000,000, to remain available until September 30, 2029, for the Administrator of the Rural Housing Service for making loans and grants for new construction, improvements to energy and water efficiency or climate resilience, the removal of health and safety hazards, and the preservation and revitalization of housing for other purposes described under section 514 of the Housing Act of 1949 (42 U.S.C. 1484), subsections (a)(1) through (a)(2), (b)(1) through (b)(3), (b)(5) through (aa)(2)(A), and (aa)(4) of section 515 of such Act (42 U.S.C. 1485(a)(1)-42 U.S.C. 1485(a)(2), 42 U.S.C. 1485(b)(1)-(b)(3), 42 U.S.C. 1485(b)(5)-42 U.S.C. 1485(aa)(2)(A), 42 U.S.C. 1485(aa)(4)), and 516 of such act (42 U.S.C. 1486), subject to the terms and conditions in subsection (b);

(2) $100,000,000, to remain available until September 30, 2029, to provide continued assistance pursuant to section 3203 of the American Rescue Plan Act of 2021; and

(3) $100,000,000, to remain available until September 30, 2030, for the costs to the Rural Housing Service of the Department of Agriculture of administering and overseeing the implementation of this section, including information technology, financial reporting, research and evaluations, other cross-program costs in support of programs administered by the Secretary in this title, and other costs.

(b) PRESERVATION AND REVITALIZATION TERMS AND CONDITIONS.—

(1) LOANS AND GRANTS AND OTHER ASSISTANCE.—The Administrator of the Rural Housing Service of the Department of Agriculture shall provide direct loans and grants, including the cost of modifying loans, to restructure existing Department of Agriculture multi-family housing loans expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents and farm laborers, including—

(A) reducing or eliminating interest;

(B) deferring loan payments;

(C) subordinating, reducing, or re-amortizing loan debt; and

(D) providing other financial assistance, including advances, payments, and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary, including such assistance to non-profit entities and public housing authorities.

(2) RESTRICTIVE USE AGREEMENT.—The Administrator of the Rural Housing Service of the Department of Agriculture shall as part of the preservation and revitalization agreement obtain a restrictive use agreement consistent with the terms of the restructuring.

(c) IMPLEMENTATION.—The Administrator of the Rural Housing Service of the Department of Agriculture shall have authority to issue such regulations, notices, or other guidance, forms, instructions, and publications to carry out the programs, projects, or activities authorized under this section to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40009. HOUSING VOUCHERS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $15,000,000,000, to remain available until September 30, 2029, for—

(A) incremental tenant-based rental assistance for extremely low-income families under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o));

(B) renewals of such tenant-based rental assistance; and

(C) fees for the costs of administering tenant-based rental assistance and other expenses related to the utilization of voucher assistance under subparagraph (A), which may include the cost of facilitating the use of voucher assistance provided under paragraph (5);

(2) $7,100,000,000, to remain available until September 30, 2029, for—

(A) incremental tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) for households experiencing or at risk of homelessness, survivors of domestic violence, dating violence, sexual assault, and stalking, and survivors of trafficking;

(B) renewals of such tenant-based rental assistance; and

(C) fees for the costs of administering tenant-based rental assistance and other expenses related to the utilization of voucher assistance under subparagraph (A), which may include the cost of facilitating the use of voucher assistance provided under paragraph (5);

(3) $1,000,000,000, to remain available until September 30, 2031, for—

(A) tenant protection vouchers for relocation and replacement of public housing units demolished or disposed as part of a public housing preservation or project-based replacement transaction using funds made available under this title;

(B) renewals of such tenant-based rental assistance; and

(C) fees for the costs of administering tenant-based rental assistance and other expenses related to the utilization of voucher assistance under subparagraph (A), which may include the cost of facilitating the use of voucher assistance provided under paragraph (5);

(4) $300,000,000, to remain available until September 30, 2031, for competitive grants, subject to terms and conditions determined by the Secretary, to public housing agencies for mobility-related services for voucher families, including families with children, and service coordination;

(5) $230,000,000, to remain available until September 30, 2031, for eligible expenses to facilitate the use of voucher assistance under this section and for other voucher assistance under section 8(o) of the United States Housing Act of 1937, as determined by the Secretary, in addition to amounts otherwise available for such expenses, including property owner outreach and retention activities such as incentive payments, security deposit payments and loss reserves, landlord liaisons, and other uses of funds designed primarily—

(A) to recruit owners of dwelling units, particularly dwelling units in census tracts with a poverty rate of less than 20 percent, to enter into housing assistance payment contracts; and

(B) to encourage owners that enter into housing assistance payment contracts as described in subparagraph (A) to continue to lease their dwelling units to tenants assisted under section 8(o) of the United States Housing Act of 1937;

(6) $300,000,000, to remain available until September 30, 2031, for the costs to the Secretary of administering and overseeing the implementation of this section and the Housing Choice Voucher program generally, including information technology, financial reporting, research and evaluations, other cross-program costs in support of programs administered by the Secretary in this title, and other costs; and

(7) $70,000,000, to remain available until September 30, 2031, for making new awards or increasing prior awards to existing technical assistance providers to provide an increase in capacity building and technical assistance available to public housing agencies.

(b) TERMS AND CONDITIONS.—

(1) ALLOCATION.—The Secretary shall allocate initial incremental assistance provided for rental assistance under subsection (a)(1) and (2) in each fiscal year commencing in 2022 and ending in 2026 in accordance with a formula or formulas that include measures of severe housing need among extremely low-income renters and public housing agency capacity, and ensures geographic diversity among public housing agencies administering the Housing Choice Voucher program.

(2) ELECTION TO ADMINISTER.—The Secretary shall establish a procedure for public housing agencies to accept or decline the incremental vouchers made available under this section.

(3) FAILURE TO USE VOUCHERS PROMPTLY.—If a public housing agency fails to lease the authorized vouchers it has received under this subsection on behalf of eligible families within a reasonable period of time, the Secretary may offset the agency's voucher renewal allocations and may revoke and redistribute any unleased vouchers and associated funds, which may include administrative fees and amounts allocated under subsections (a)(3) and (a)(4), to other public housing agencies.

(4) LIMITATION OF USE OF FUNDS.— Public housing agencies may use funds received under this section only for the activities listed in subsection (a) for which the funds were provided to such agency.

(5) CAP ON PROJECT-BASED VOUCHERS FOR VULNERABLE POPULATIONS.—Upon request by a public housing agency, the Secretary may designate a number of the public housing agency's vouchers allocated under this section as excepted units that do not count against the percentage limitation on the number of authorized units a public housing agency may project-base under section 8(o)(13)(B) of the United States Housing Act of 1937, in accordance with the conditions established by the Secretary. This paragraph may not be construed to waive, limit, or specify alternative requirements, or permit such waivers, limitations, or alternative requirements, related to fair housing and nondiscrimination, including the requirement to provide housing and services to individuals with disabilities in integrated settings.

(6) HOMELESS WAIVER AUTHORITY.— In administering the voucher assistance targeted for households experiencing or at risk of homelessness, survivors of domestic violence, dating violence sexual assault, and stalking, and survivors of trafficking under subsection (a)(2), the Secretary may, upon a finding that a waiver or alternative requirement is necessary to facilitate the use of such assistance, waive or specify alternative requirements for—

(A) section 8(o)(6)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(6)(A)) and regulatory provisions related to the administration of waiting lists and local preferences;

(B) section 214(d)(2) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(d)(2)), section 576(a), (b), and (c) of the Quality Housing and Work Responsibility Act of 1998 (42 U.S.C. 13661(a), (b),and (c)), and regulatory provisions related to the verification of eligibility, eligibility requirements, and the admissions process;

(C) section 8(o)((7)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(7)(A)) and regulatory provisions related to the initial lease term;

(D) section 8(r)(B)(i) of the United States Housing Act of 1937 (42 U.S.C. 1437f(r)(B)(i)) and regulatory provisions related to portability moves by non-resident applicants; and

(E) regulatory provisions related to the establishment of payment standards.

(c) IMPLEMENTATION.—The Secretary shall have authority to issue such regulations, notices, or other guidance, forms, instructions, and publications to carry out the programs, projects, or activities authorized under this section to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40010. PROJECT-BASED RENTAL ASSISTANCE.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $880,000,000 for the project-based rental assistance program, as authorized under section 8(b) of the United States Housing Act of 1937 (42 U.S.C. 1437f(b)), (in this section referred to as the ''Act''), subject to the terms and conditions of subsection (b) of this section;

(2) $20,000,000 for providing technical assistance to recipients of or applicants for project-based rental assistance or to States allocating the project-based rental assistance; and

(3) $100,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section and the section 8 project-based rental assistance program generally, including information technology, financial reporting, research and evaluations, other cross-program costs in support of programs administered by the Secretary in this title, and other costs.

Amounts appropriated by this section shall remain available until September 30, 2031.

(b) TERMS AND CONDITIONS.—

(1) AUTHORITY.—Notwithstanding section 8(a) the Act (42 U.S.C. 1437f(a)), the Secretary may use amounts made available under this section to provide assistance payments with respect to newly constructed housing, existing housing, or substantially rehabilitated non-housing structures for use as new multifamily housing in accordance with this section and the provisions of section 8 of the Act. In addition, the Secretary may use amounts made available under this section for performance-based contract administrators for section 8 project-based assistance, for carrying out this section and section 8 of the Act.

(2) PROJECT-BASED RENTAL ASSISTANCE.—The Secretary may make assistance payments using amounts made available under this section pursuant to contracts with owners or prospective owners who agree to construct housing, to substantially rehabilitate existing housing, to substantially rehabilitate non-housing structures for use as new multifamily housing, or to attach the assistance to newly constructed housing in which some or all of the units shall be available for occupancy by very low-income families in accordance with the provisions of section 8 of the Act. In awarding contracts pursuant to this section, the Secretary shall give priority to owners or prospective owners of multifamily housing projects located or to be located in areas of high opportunity, as defined by the Secretary, in areas experiencing economic growth or rising housing prices to prevent displacement or secure affordable housing for low-income households, or that serve people at risk of homelessness or that integrate additional units that are accessible for persons with mobility impairments and persons with hearing or visual impairments beyond those required by applicable Federal accessibility standards.

(3) ALLOCATION.—The Secretary shall make awards with amounts made available under this section using the following mechanisms, alone or in combination:

(A) A competitive process, which the Secretary may carry out in multiple rounds of competition, each of which may have its own selection, performance, and reporting criteria as established by the Secretary.

(B) Selecting proposals submitted through FHA loan applications that meet specified criteria.

(C) Delegating to States the awarding of contracts, including related determinations such as the maximum monthly rent, subject to the requirements of section 8 of the Act, as determined by the Secretary.

(4) CONTRACT TERM, RENT SETTING, AND RENT ADJUSTMENTS.—The Secretary may set the terms of the contract, including the duration and provisions regarding rent setting and rent adjustments.

(c) WAIVERS.—The Secretary may waive or specify alternative requirements for any provision of subsection (c) or (bb) of section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f(c), 1437f(bb)) upon a finding that the waiver or alternative requirement is necessary to facilitate the use of amounts made available under this section.

(d) IMPLEMENTATION.—The Secretary shall have the authority to issue such regulations, notices, or other guidance, forms, instructions, and publications to carry out the programs, projects, or activities authorized under this section to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40011. INVESTMENTS IN NATIVE AMERICAN COMMUNITIES.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $277,500,000 for formula grants for eligible affordable housing activities described in section 202 of the Native American Housing Assistance and Self-Determination Act of 1996 (in this section referred to as ''NAHASDA'') (25 U.S.C. 4132), which shall be distributed according to the most recent fiscal year funding formula for the Indian Housing Block Grant;

(2) $200,000,000 for—

(A) affordable housing activities authorized under section 810(a) of NAHASDA (25 U.S.C. 4229);

(B) community-wide infrastructure and infrastructure improvement projects carried out on Hawaiian Home Lands pursuant to section 810(b)(5) of NAHASDA (25 U.S.C. 4229(b)(5)); and

(C) rental assistance to Native Hawaiians (as defined in section 801 of NAHASDA (25 U.S.C. 4221)) on and off Hawaiian Home Lands;

(3) $277,500,000 for competitive grants for eligible affordable housing activities described in section 202 of NAHASDA (25 U.S.C. 4132);

(4) $200,000,000 for—

(A) competitive single-purpose Indian community development block grants for Indian tribes; and

(B) imminent threat Indian community development block grants, including for long-term environmental threats and relocation, for Indian tribes, or a tribal organization, governmental entity, or nonprofit organization designated by the Indian tribe to apply for a grant on its behalf;

(5) $25,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section and Indian and Native Hawaiian programs administered by the Secretary, including information technology, financial reporting, research and evaluations, other cross-program costs in support of programs administered by the Secretary in this title, and other costs; and

(6) $20,000,000 to make new awards or increase prior awards to technical assistance providers to provide an immediate increase in capacity building and technical assistance to grantees.

Amounts appropriated by this section shall remain available until September 30, 2031.

(b) REALLOCATION.—Amounts made available under subsection (a)(1) that are not accepted within a time specified by the Secretary, are voluntarily returned, or are otherwise recaptured for any reason shall be used to fund grants under paragraph (3) or (4) of subsection (a).

(c) UNDISBURSED FUNDS.—Amounts provided under this Act that remain undisbursed may not be used as a basis to reduce any grant allocation under section 302 of NAHASDA (25 U.S.C. 4152) to an Indian tribe in any fiscal year.

(d) PROHIBITION ON INVESTMENTS.—Amounts made available under this section may not be invested in investment securities and other obligations.

(e) WAIVERS.—With respect to amounts made available under this section, the Secretary may, upon a finding that a waiver or alternative requirement is necessary to facilitate the use of such amounts, waive or specify alternative requirements for any Indian housing block grants, Native Hawaiian housing block grants, or Indian community development block grants issued pursuant to this section, other than requirements related to fair housing, nondiscrimination, labor standards, and the environment.

(f) IMPLEMENTATION.—The Secretary shall have authority to issue such regulations, notices, or other guidance, forms, instructions, and publications to carry out the programs, projects, or activities authorized under this section to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40012. INCREASED AFFORDABLE HOUSING PROGRAM INVESTMENT.

Notwithstanding subsection (j)(5)(C) of section 10 of the Federal Home Loan Bank Act (12 U.S.C. 1430), in 2022 and every year thereafter until 2027, each Federal Home Loan Bank shall annually contribute 15 percent of the preceding year's net income of the Federal Home Bank, or such prorated sums as may be required to assure that the aggregate contribution of the Federal Home Loan Banks shall not be less than $100,000,000 for each such year, to support grants or subsidized advances through the Affordable Housing Programs established and carried out under subparagraphs (j)(1), (2), (3)(A), (3)(C), and (4) through (13) of section 10 of such Act.

Subtitle B—21st Century Sustainable and Equitable Communities

SEC. 40101. COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR AFFORDABLE HOUSING AND INFRASTRUCTURE.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $1,735,000,000 for grants in accordance with sections 101, 102, 103, 104(a) through 104(i), 104(l), 104(m), 105(a) through 105(g), 106(a)(2), 106(a)(4), 106(b) through 106(f), 109, 110, 111, 113, 115, 116, 120, and 122 of the Housing and Community Development Act of 1974 (42 U.S.C. 5301, 5302, 5303, 5304(a)-(i), 5304(l), 5304(m), 5305(a)-(g), 5306(a)(2), 5306(a)(4), 5306(b)-(f), 5309, 5310, 5311, 5313, 5315, 5316, 5319, and 5321) to grantees under subsections (a)(2) and (4) and (d) of section 106 of such Act (42 U.S.C.5306(a)(2), (a)(4), and (d)), subject to subsection (b) of this section, except that for purposes of amounts made available by this paragraph, paragraph (2) of such section 106(a) shall be applied by substituting ''$70,000,000'' for ''$7,000,000'';

(2) $700,000,000 for grants in accordance with sections 101, 102, 103, 104(a) through 104(i), 104(l), 104(m), 105(a) through 105(g), 106(a)(2), 106(a)(4), 106(b) through 106(f), 109, 110, 111, 113, 115, 116, 120, and 122 of title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301, 5302, 5303, 5304(a)-(i), 5304(l), 5304(m), 5305(a)-(g), 5306(a)(2), 5306(a)(4), 5306(b)-(f), 5309, 5310, 5311, 5313, 5315, 5316, 5319, and 5321) to community development block grant grantees, as determined by the Secretary, under subsections (a)(4) and (b) through (f) of section 106 of such Act (5306(a)(4) and 5306(b)-(f)), only for colonias, to address the community and housing infrastructure needs of existing colonia residents based on a formula that takes into account persons in poverty in the colonia areas, except that grantees may use funds in colonias outside of the 150-mile border area upon approval of the Secretary;

(3) $500,000,000 for grants in accordance with sections 101, 102, 103, 104(a) through 104(i), 104(l), 104(m), 105(a) through 105(g), 106(a)(2), 106(a)(4), 106(b) through 106(f), 109, 110, 111, 113, 115, 116, 120, and 122 of title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301, 5302, 5303, 5304(a)-(i), 5304(l), 5304(m), 5305(a)-(g), 5306(a)(2), 5306(a)(4), 5306(b)-(f), 5309, 5310, 5311, 5313, 5315, 5316, 5319, and 5321), to eligible recipients under subsection (c) of this section for manufactured housing infrastructure improvements in eligible manufactured home communities;

(4) $87,500,000 for the costs to the Secretary of administering and overseeing the implementation of this section, the Community Development Block Grant program, and the manufactured home construction and safety standards program generally, including information technology, financial reporting, research and evaluations, other cross-program costs in support of programs administered by the Secretary in this title, and other costs; and

(5) $27,500,000 for providing technical assistance to recipients of or applicants for grants under this section.

Amounts appropriated by this section shall remain available until September 30, 2031.

(b) HOUSING CONSTRUCTION.—Expenditures on new construction of housing shall be an eligible expense for a recipient of funds made available under this section that is not a recipient of funds under section 40002 of this title.

(c) MANUFACTURED HOUSING COMMUNITY IMPROVEMENT GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary of Housing and Urban Development shall carry out a competitive grant program to award funds appropriated under subsection (a)(3) to eligible recipients to carry out eligible projects for improvements in eligible manufactured home communities.

(2) ELIGIBLE PROJECTS.—Amounts from grants under this subsection shall be used to assist in carrying out a project for construction, reconstruction, repair, or clearance of housing, facilities and improvements in or serving a manufactured housing community that is necessary to protect the health and safety of the residents of the manufactured housing community and the long-term sustainability of the community.

(d) WAIVERS.—The Secretary may waive or specify alternative requirements for any provision of title I of the Housing and Community Development Act of 1974 specified in subsection (a)(1), (a)(2), or (a)(3), or regulation that the Secretary administers in connection with use of amounts made available under this section other than requirements related to fair housing, nondiscrimination, labor standards, and the environment, upon a finding that the waiver or alternative requirement is not inconsistent with the overall purposes of such Act and that the waiver or alternative requirement is necessary to facilitate the use of amounts made available under this section.

(e) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) COLONIA AREA.—The term ''colonia area'' means any census tract that—

(A) is an area of the United States within 150 miles of the contiguous border between the United States and Mexico, except as otherwise determined by the Secretary; and

(B) lacks potable water supply, adequate sewage systems, or decent, safe, sanitary housing, or other objective criteria as approved by the Secretary.

(2) ELIGIBLE MANUFACTURED HOME COMMUNITY.—The term ''eligible manufactured home community'' means a community that—

(A) is affordable to low- and moderate-income persons (as such term is defined in section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a))); and

(B)(i) is owned by the residents of the manufactured housing community through a resident-controlled entity, as defined by the Secretary, in which at least two-thirds of residents are member-owners of the land-owning entity; or

(ii) will be maintained as such a community, and remain affordable for low- and moderate-income families, to the maximum extent practicable and for the longest period feasible.

(3) ELIGIBLE RECIPIENT.—The term ''eligible recipient'' means a partnership of—

(A) a grantee under paragraph (2) or (4) of section 106(a) or section 106(d) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306(a)(2), (a)(4), and (d)); and

(B) an eligible manufactured home community, a nonprofit entity, or a consortia of nonprofit entities working with an eligible manufactured home community.

(4) MANUFACTURED HOME COMMUNITY.—The term ''manufactured home community'' means any community, court, or park equipped to accommodate manufactured homes for which pad sites, with or without existing manufactured homes or other allowed homes, or other suitable sites, are used primarily for residential purposes, with any additional requirements as determined by the Secretary, including any manufactured housing community as such term is used for purposes of the program of the Federal National Mortgage Association for multifamily loans for manufactured housing communities and the program of the Federal Home Loan Mortgage Corporation for loans for manufactured housing communities.

(f) IMPLEMENTATION.—The Secretary shall have authority to issue such regulations, notices, or other guidance, forms, instructions, and publications to carry out the programs, projects, or activities authorized under this section to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40102. LEAD-BASED PAINT HAZARD CONTROL AND HOUSING-RELATED HEALTH AND SAFETY HAZARD MITIGATION IN HOUSING OF FAMILIES WITH LOWER INCOMES.

(a) APPROPRIATION.—In addition to amounts otherwise made available, there is appropriated to the Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $3,425,000,000 for grants to States, units of general local government, Indian tribes or their tribally designated housing entities, and nonprofit organizations for the activities under subsection (c) in target housing units that do not receive Federal housing assistance other than assistance provided under subsection 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), excluding paragraph (o)(13) of such section, and common areas servicing such units, where low-income families reside or are expected to reside;

(2) $250,000,000 for grants to States or units of general local government or nonprofit entities for the activities in subsection (c) in target housing units, and common areas servicing such units, that are being assisted under the Weatherization Assistance Program authorized under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861-6872) but are not assisted under any other Federal housing program other than subsection 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), excluding paragraph 8(o)(13) of such section;

(3) $1,000,000,000 for grants to owners of a property receiving project-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), including under subsection (o)(13) of such section, that meets the definition of target housing and that has not received a grant for similar purposes under this Act, for the activities in subsection (c), except for abatement of lead-based paint by enclosure or encapsulation, or interim controls of lead-based paint hazards in target housing units receiving such assistance and common areas servicing such units;

(4) $75,000,000 for costs related to training and technical assistance to support identification and mitigation of lead and housing-related health and safety hazards, research, and evaluation; and

(5) $250,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section, and the Secretary's lead hazard reduction and related programs generally including information technology, financial reporting, research and evaluations, other cross-program costs in support of programs administered by the Secretary in this title, and other costs.

Amounts appropriated by this section shall remain available until September 30, 2031.

(b) TERMS AND CONDITIONS.—

(1) INCOME ELIGIBILITY DETERMINATIONS.—The Secretary may make income determinations of eligibility for enrollment of housing units for assistance under this section that are consistent with eligibility requirements for grants awarded under other Federal means-tested programs, provided such determination does not require additional action by other Federal agencies.

(2) HOUSING FAMILIES WITH YOUNG CHILDREN.—An owner of rental property that receives assistance under subsection (a)(3) shall give priority in renting units for which the lead-based paint has been abated pursuant to subsection (a)(3), for not less than 3 years following the completion of lead abatement activities, to families with a child under the age of 6 years.

(3) ADMINISTRATIVE EXPENSES.—A recipient of a grant under this section may use up to 10 percent of the grant for administrative expenses associated with the activities funded by this section.

(c) ELIGIBLE ACTIVITIES.—Grants awarded under this section shall be used for purposes of building capacity and conducting activities relating to testing, evaluating, and mitigating lead-based paint, lead-based paint hazards, and housing-related health and safety hazards; outreach, education, and engagement with community stakeholders, including stakeholders in disadvantaged communities; program evaluation and research; grant administration, and other activities that directly or indirectly support the work under this section, as applicable, that without which such activities could not be conducted.

(d) DEFINITIONS.—For purposes of this section, the following definitions, and definitions in paragraphs (1), (2), (3), (5), (6), (7), (10) through (17), and (20) through (27) of section 1004 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851b(1)-(3), 42 U.S.C. 4851b(5)-(7), 42 U.S.C. 4851b(10)-(17). 42 U.S.C. 4851b(20)-(27), shall apply:

(1) NONPROFIT; NONPROFIT ORGANIZATION.—The terms ''nonprofit'' and ''nonprofit organization'' mean a corporation, community chest, fund, or foundation not organized for profit, but organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes; or an organization not organized for profit but operated exclusively for the promotion of social welfare.

(2) PUBLIC HOUSING; PUBLIC HOUSING AGENCY; LOW-INCOME FAMILY.—The terms ''public housing'', ''public housing agency'', and ''low-income family'' have the same meaning given such terms in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

(3) STATE; UNIT OF GENERAL LOCAL GOVERNMENT.—The terms ''State'' and ''unit of general local government'' have the same meaning given such terms in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302).

(e) GRANT COMPLIANCE.—For any grant of assistance under this section, a State or unit of general local government may assume responsibilities for elements of grant compliance, regardless of whether it is the grant recipient, if the State or unit of general local government is permitted to assume responsibility for the applicable element of grant compliance for grants for which it is the recipient under section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4852).

(f) IMPLEMENTATION.—The Secretary shall have the authority to issue such regulations, notices, or other guidance, forms, instructions, and publications to carry out the programs, projects, or activities authorized under this section to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40103. UNLOCKING POSSIBILITIES PROGRAM.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Housing and Urban Development for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $1,646,000,000 for awarding grants under section 101, 102, 103, 104(a) through 104(i), 104(l), 104(m), 105(a) through 105(g), 106(a)(2), 106(a)(4), 106(b) through 106(f), 109, 110, 111, 113, 115, 116, 120, and 122 of the Housing and Community Development Act of 1974 (42 U.S.C. 5301, 5302, 5303, 5304(a)-(i), 5304(l), 5304(m), 5305(a)-(g), 5306(a)(2), 5306(a)(4), 5306(b)-(f), 5309, 5310, 5311, 5313, 5315, 5316, 5319, and 5321) awarded on a competitive basis to eligible recipients to carry out grants under subsection (c) of this section;

(2) $8,000,000 for research and evaluation related to housing planning and other associated costs;

(3) $30,000,000 to provide technical assistance to grantees or applicants for grants made available by this section; and

(4) $66,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section and community and economic development programs overseen by the Secretary generally, including information technology, financial reporting, research and evaluations, and other cross-program costs in support of programs administered by the Secretary in this title, and other costs.

Amounts appropriated by this section shall remain available until September 30, 2031.

(b) PROGRAM ESTABLISHMENT.—The Secretary of Housing and Urban Development shall establish a competitive grant program for—

(1) planning grants to develop and evaluate housing plans and substantially improve housing strategies;

(2) streamlining regulatory requirements and shorten processes, reform zoning codes, increasing capacity to conduct housing inspections, or other initiatives that reduce barriers to housing supply elasticity and affordability;

(3) developing and evaluating local or regional plans for community development to substantially improve community development strategies related to sustainability, fair housing, and location efficiency;

(4) implementation and livable community investment grants; and

(5) research and evaluation.

(c) GRANTS.—

(1) PLANNING GRANTS.—The Secretary shall, under selection criteria determined by the Secretary, award grants under this paragraph on a competitive basis to eligible entities to assist planning activities, including administration of such activities, engagement with community stakeholders and housing practitioners, to—

(A) develop housing plans;

(B) substantially improve State or local housing strategies;

(C) develop new regulatory requirements and processes, reform zoning codes, increasing capacity to conduct housing inspections, or undertake other initiatives to reduce barriers to housing supply elasticity and affordability;

(D) develop local or regional plans for community development; and

(E) substantially improve community development strategies, including strategies to increase availability and access to affordable housing, to further access to public transportation or to advance other sustainable or location-efficient community development goals.

(2) IMPLEMENTATION AND LIVABLE COMMUNITY INVESTMENT GRANTS.—The Secretary shall award implementation grants under this paragraph on a competitive basis to eligible entities for the purpose of implementing and administering—

(A) completed housing strategies and housing plans and any planning to affirmatively further fair housing within the meaning of subsections (d) and (e) of section 808 of the Fair Housing Act (42 U.S.C. 608) and applicable regulations and for community investments that support the goals identified in such housing strategies or housing plans;

(B) new regulatory requirements and processes, reformed zoning codes, increased capacity to conduct housing inspections, or other initiatives to reduce barriers to housing supply elasticity and affordability that are consistent with a plan under subparagraph (A);

(C) completed local or regional plans for community development and any planning to increase availability and access to affordable housing, access to public transportation and other sustainable or location-efficient community development goals.

(d) COORDINATION WITH FTA ADMINISTRATOR.—To the extent practicable, the Secretary shall coordinate with the Federal Transit Administrator in carrying out this section.

(e) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a State, insular area, metropolitan city, or urban county, as such terms are defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302); or

(B) for purposes of grants under subsection (b)(1), a regional planning agency or consortia.

(2) HOUSING PLAN; HOUSING STRATEGY.—

(A) HOUSING PLAN.—The term ''housing plan'' means a plan of an eligible entity to, with respect to the area within the jurisdiction of the eligible entity—

(i) match the creation of housing supply to existing demand and projected demand growth in the area, with attention to preventing displacement of residents, reducing the concentration of poverty, and meaningfully reducing and not perpetuating housing segregation on the basis of race, color, religion, natural origin, sex, disability, or familial status;

(ii) increase the affordability of housing in the area, increase the accessibility of housing in the area for people with disabilities, including location-efficient housing, and preserve or improve the quality of housing in the area;

(iii) reduce barriers to housing development in the area, with consideration for location efficiency, affordability, and accessibility; and

(iv) coordinate with the metropolitan transportation plan of the area under the jurisdiction of the eligible entity, or other regional plan.

(B) HOUSING STRATEGY.—The term ''housing strategy'' means the housing strategy required under section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705).

(f) COSTS TO GRANTEES.—Up to 15 percent of a recipient's grant may be used for administrative costs.

(g) RULES OF CONSTRUCTION.—

(1) IN GENERAL.— Except as otherwise provided by this section, amounts appropriated or otherwise made available under this section shall be subject to the community development block grant program requirements under subsection (a)(1).

(2) EXCEPTIONS.—

(A) HOUSING CONSTRUCTION.—Expenditures on new construction of housing shall be an eligible expense under this section.

(B) BUILDINGS FOR GENERAL CONDUCT OF GOVERNMENT.—Expenditures on building for the general conduct of government, other than the Federal Government, shall be eligible under this section when necessary and appropriate as a part of a natural hazard mitigation project.

(h) WAIVERS.—The Secretary may waive or specify alternative requirements for any provision of subsection (a)(1) or regulation for the administration of the amounts made available under this section other than requirements related to fair housing, nondiscrimination, labor standards, and the environment, upon a finding that the waiver or alternative requirement is not inconsistent with the overall purposes of such Act and that the waiver or alternative requirement is necessary to facilitate the use of amounts made available under this section.

(i) IMPLEMENTATION.—The Secretary shall have the authority to issue such regulations notices, or other guidance, forms, instructions, and publications to carry out the programs, projects, or activities authorized under this section to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40104. STRENGTHENING RESILIENCE UNDER NATIONAL FLOOD INSURANCE PROGRAM.

(a) NFIP PROGRAM ACTIVITIES.—

(1) CANCELLATION.—All indebtedness of the Administrator of the Federal Emergency Management Agency under any notes or other obligations issued pursuant to section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) and section 15(e) of the Federal Insurance Act of 1956 (42 U.S.C. 2414(e)), and outstanding as of the date of the enactment of this Act, is hereby cancelled, the Administrator and the National Flood Insurance Fund are relieved of all liability under any such notes or other obligations, including for any interest due, including capitalized interest, and any other fees and charges payable in connection with such notes and obligations.

(2) USE OF SAVINGS FOR FLOOD MAPPING.—In addition to amounts otherwise available, for each of fiscal years 2022 and 2023, an amount equal to the interest the National Flood Insurance Program would have accrued from servicing the canceled debt under paragraph (1) in that fiscal year, which shall be derived from offsetting amounts collected under section 1310(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(d)) and shall remain available until expended for activities identified in section 100216 (b)(1)(A) of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101b(b)(1)(A)) and related salaries and administrative expenses.

(b) MEANS-TESTED ASSISTANCE FOR NATIONAL FLOOD INSURANCE PROGRAM POLICYHOLDERS.—

(1) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Federal Emergency Management Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $600,000,000, to remain available until September 30, 2026, to provide assistance to eligible policyholders in the form of graduated discounts for insurance costs with respect to covered properties.

(2) TERMS AND CONDITIONS.—

(A) DISCOUNTS.—The Administrator shall use funds provided under this subsection to establish graduated discounts available to eligible policyholders under this subsection, with respect to covered properties, which may be based on the following factors:

(i) The percentage by which the household income of the eligible policyholder is equal to, or less than, 120 percent of the area median income for the area in which the property to which the policy applies is located.

(ii) The number of eligible policyholders participating in the program authorized under this subsection.

(iii) The availability of funding.

(B) DISTRIBUTION OF PREMIUM.—With respect to the amount of the discounts provided under this subsection in a fiscal year, and any administrative expenses incurred in carrying out this subsection for that fiscal year, the Administrator shall, from amounts made available to carry out this subsection for that fiscal year, deposit in the National Flood Insurance Fund established under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017) an amount equal to those discounts and administrative expenses, except to the extent that section 1310A of the National Flood Insurance Act of 1968 (42 U.S.C. 4017a) applies to any portion of those discounts or administrative expenses, in which case the Administrator shall deposit an amount equal to those amounts to which such section 1310A applies in the National Flood Insurance Reserve Fund established under such section 1310A.

(C) REQUIREMENT ON TIMING.—Not later than 21 months after the date of the enactment of this section, the Administrator shall issue interim guidance to implement this subsection which shall expire on the later of—

(i) the date that is 60 months after the date of the enactment of this section; or

(ii) the date on which a final rule issued to implement this subsection takes effect.

(3) DEFINITIONS.—In this subsection:

(A) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Emergency Management Agency.

(B) COVERED PROPERTY.—The term ''covered property'' means—

(i) a primary residential dwelling designed for the occupancy of from 1 to 4 families; or

(ii) personal property relating to a dwelling described in clause (i) or personal property in the primary residential dwelling of a renter.

(C) ELIGIBLE POLICYHOLDER.—The term ''eligible policyholder'' means a policyholder with a household income that is not more than 120 percent of the area median income for the area in which the property to which the policy applies is located.

(D) INSURANCE COSTS.—The term ''insurance costs'' means insurance premiums, fees, and surcharges charged under the National Flood Insurance Program, with respect to a covered property for a year.

SEC. 40105. COMMUNITY RESTORATION AND REVITALIZATION FUND.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Community Restoration and Revitalization Fund established under subsection (b) for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $2,000,000,000 for awards of planning and implementation grants under section 101, 102, 103, 104(a) through 104(i), 104(l), 104(m), 105(a) through 105(g), 106(a)(2), 106(a)(4), 106(b) through 106(f), 109, 110, 111, 113, 115, 116, 120, and 122 of the Housing and Community Development Act of 1974 (42 U.S.C. 5301, 5302, 5303, 5304(a)-(i), 5304(l), 5304(m), 5305(a)-(g), 5306(a)(2), 5306(a)(4), 5306(b)-(f), 5309, 5310, 5311, 5313, 5315, 5316, 5319, and 5321), awarded on a competitive basis to eligible recipients, as defined under subsection (c)(2) of this section, to carry out community-led projects to create equitable civic infrastructure and create or preserve affordable, accessible housing, including creating, expanding, and maintaining community land trusts and shared equity homeownership programs;

(2) $500,000,000 for planning and implementation grants under section 101, 102, 103, 104(a) through 104(i), 104(l), 104(m), 105(a) through 105(g), 106(a)(2), 106(a)(4), 106(b) through 106(f), 109, 110, 111, 113, 115, 116, 120, and 122 of the Housing and Community Development Act of 1974 (42 U.S.C. 5301, 5302, 5303, 5304(a)-(i), 5304(l), 5304(m), 5305(a)-(g), 5306(a)(2) 5306(a)(4), 5306(b)-(f), 5309, 5310, 5311, 5313, 5315, 5316, 5319, and 5321), awarded on a competitive basis to eligible recipients to create, expand, and maintain community land trusts and shared equity homeownership, including through the acquisition, rehabilitation, and new construction of affordable, accessible housing;

(3) $400,000,000 for the Secretary to provide technical assistance, capacity building, and program support to applicants, potential applicants, and recipients of amounts appropriated for grants under this section; and

(4) $100,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section and community and economic development programs overseen by the Secretary generally, including information technology, financial reporting, research and evaluations, and other cross-program costs in support of programs administered by the Secretary in this title, and other costs.

(b) ESTABLISHMENT OF FUND.—The Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') shall establish a Community Restoration and Revitalization Fund (in this section referred to as the ''Fund'') to award planning and implementation grants on a competitive basis to eligible recipients as defined in this section for activities authorized under subsections (a) through (g) of section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305) and under this section for community-led affordable housing and civic infrastructure projects.

(c) ELIGIBLE GEOGRAPHICAL AREAS, RECIPIENTS, AND APPLICANTS.—

(1) GEOGRAPHICAL AREAS.—The Secretary shall award grants from the Fund to eligible recipients within geographical areas at the neighborhood, county, or census tract level, including census tracts adjacent to the project area that are areas in need of investment, as demonstrated by two or more of the following factors:

(A) High and persistent rates of poverty.

(B) Population at risk of displacement due to rising housing costs.

(C) Dwelling unit sales prices that are lower than the cost to acquire and rehabilitate, or build, a new dwelling unit.

(D) High proportions of residential and commercial properties that are vacant due to foreclosure, eviction, abandonment, or other causes.

(E) Low rates of homeownership by race and ethnicity, relative to the national homeownership rate.

(2) ELIGIBLE RECIPIENT.—An eligible recipient of a planning or implementation grant under subsection (a)(1) or an implementation grant under subsection (a)(2) shall be a local partnership of a lead applicant and one or more joint applicants with the ability to administer the grant. An eligible recipient of a planning grant under subsection (b)(1) shall be a lead applicant with the ability to administer the grant, including a regional, State, or national nonprofit.

(d) ELIGIBLE RECIPIENTS AND APPLICANTS.—

(1) LEAD APPLICANT.—An eligible lead applicant for a grant awarded under this section shall be an entity that is located within or serves the geographic area of the project, or derives its mission and operational priorities from the needs of the geographic area of the project, demonstrates a commitment to anti-displacement efforts, and that is—

(A) a nonprofit organization that has expertise in community planning, engagement, organizing, housing and community development;

(B) a community development corporation;

(C) a community housing development organization;

(D) a community-based development organization; or

(E) a community development financial institution, as defined by section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702).

(2) JOINT APPLICANTS.—A joint applicant shall be an entity eligible to be a lead applicant in paragraph (1), or a local, regional, or national—

(A) nonprofit organization;

(B) community development financial institution;

(C) unit of general local government;

(D) Indian tribe;

(E) State housing finance agency;

(F) land bank;

(G) fair housing enforcement organization (as such term is defined in section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a));

(H) public housing agency;

(I) tribally designated housing entity; or

(J) philanthropic organization.

(3) LACK OF LOCAL ENTITY.—A regional, State, or national nonprofit organization may serve as a lead entity if there is no local entity that meets the geographic requirements in paragraph (1).

(e) USES OF FUNDS.—

(1) IN GENERAL.—Planning and implementation grants awarded under this section shall be used to support civic infrastructure and housing-related activities.

(2) IMPLEMENTATION GRANTS.—Implementation grants awarded under this section may be used for activities eligible under subsections (a) through (g) of section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305) and other activities to support civic infrastructure and housing-related activities, including—

(A) new construction of housing;

(B) demolition of abandoned or distressed structures, but only if such activity is part of a strategy that incorporates rehabilitation or new construction, anti-displacement efforts such as tenants' right to return and right of first refusal to purchase, and efforts to increase affordable, accessible housing and homeownership, except that not more than 10 percent of any grant made under this section may be used for activities under this subparagraph unless the Secretary determines that such use is to the benefit of existing residents;

(C) facilitating the creation, maintenance, or availability of rental units, including units in mixed-use properties, affordable and accessible to a household whose income does not exceed 80 percent of the median income for the area, as determined by the Secretary, for a period of not less than 30 years;

(D) facilitating the creation, maintenance, or availability of homeownership units affordable and accessible to households whose incomes do not exceed 120 percent of the median income for the area, as determined by the Secretary;

(E) establishing or operating land banks; and

(F) providing assistance to existing residents experiencing economic distress or at risk of displacement, including purchasing nonperforming mortgages and clearing and obtaining formal title.

(3) COMMUNITY LAND TRUST GRANTS AND SHARED EQUITY HOMEOWNERSHIP GRANTS.—An eligible recipient of a community land trust grant awarded for establishing and operating a community land trust or shared equity homeownership program; creation, subsidization, construction, acquisition, rehabilitation, and preservation of housing in a community land trust or shared equity homeownership program, and expanding the capacity of the recipient to carry out the grant.

(f) WAIVERS.—The Secretary may waive or specify alternative requirements for any provision of subsection (a)(1) or (a)(2), or regulation for the administration of the amounts made available under this section other than requirements related to fair housing, nondiscrimination, labor standards, and the environment, upon a finding that the waiver or alternative requirement is not inconsistent with the overall purposes of such Act and that the waiver or alternative requirement is necessary to expedite or facilitate the use of amounts made available under this section.

(g) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) COMMUNITY LAND TRUST.—The term ''community land trust'' means a nonprofit organization or State or local governments or instrumentalities that—

(A) use a ground lease or deed covenant with an affordability period of at least 30 years or more to—

(i) make rental and homeownership units affordable to households; and

(ii) stipulate a preemptive option to purchase the affordable rentals or homeownership units so that the affordability of the units is preserved for successive income-eligible households; and

(B) monitor properties to ensure affordability is preserved.

(2) LAND BANK.—The term ''land bank'' means a government entity, agency, or program, or a special purpose nonprofit entity formed by one or more units of government in accordance with State or local land bank enabling law, that has been designated by one or more State or local governments to acquire, steward, and dispose of vacant, abandoned, or other problem properties in accordance with locally-determined priorities and goals.

(3) SHARED EQUITY HOMEOWNERSHIP PROGRAM.—The term ''shared equity homeownership program'' means a program to facilitate affordable homeownership preservation through a resale restriction program administered by a community land trust, other nonprofit organization, or State or local government or instrumentalities and that utilizes a ground lease, deed restriction, subordinate loan, or similar mechanism that includes provisions ensuring that the program shall—

(A) maintain the home as affordable for subsequent very low-, low-, or moderate-income families for an affordability term of at least 30 years after recordation;

(B) apply a resale formula that limits the homeowner's proceeds upon resale; and

(C) provide the program administrator or such administrator's assignee a preemptive option to purchase the homeownership unit from the homeowner at resale.

(h) IMPLEMENTATION.—The Secretary shall have authority to issue such regulations, notices, or other guidance, forms, instructions, and publications to carry out the programs, projects, or activities authorized under this section to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40106. FAIR HOUSING ACTIVITIES AND INVESTIGATIONS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $540,000,000, to remain available until September 30, 2026, for the Fair Housing Initiatives Program under section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a) to ensure existing and new fair housing organizations have expanded and strengthened capacity to address fair housing inquiries and complaints, conduct local, regional, and national testing and investigations, conduct education and outreach activities, and address costs of delivering or adapting services to meet increased housing market activity and evolving business practices in the housing, housing-related, and lending markets. Amounts made available under this section shall support greater organizational continuity and capacity, including through up to 10-year grants; and

(2) $160,000,000, to remain available until September 30, 2031, for the costs to the Secretary of administering and overseeing the implementation of this section and the Fair Housing Initiatives and Fair Housing Assistance Programs generally, including information technology, financial reporting, research and evaluations, other cross-program costs in support of programs administered by the Secretary in this title, and other costs.

(b) IMPLEMENTATION.—The Secretary shall have authority to issue such regulations, notices, or other guidance, forms, instructions, and publications to carry out the programs, projects, or activities authorized under this section to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40107. INTERGOVERNMENTAL FAIR HOUSING ACTIVITIES AND INVESTIGATIONS.

In addition to amounts otherwise available, there is appropriated to the Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $75,000,000 for support for cooperative efforts with State and local agencies administering fair housing laws under section 817 of the Fair Housing Act (42 U.S.C. 3616) to assist the Secretary to affirmatively further fair housing, and for Fair Housing Assistance Program cooperative agreements with interim certified and certified State and local agencies, under the requirements of subpart C of part 115 of title 24, Code of Federal Regulations, to ensure expanded and strengthened capacity of substantially equivalent agencies to assume a greater share of the responsibility for the administration and enforcement of fair housing laws; and

(2) $25,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section and the Fair Housing Assistance and Fair Housing Initiatives Programs generally, including information technology, financial reporting, research and evaluations, other cross-program costs in support of programs administered by the Secretary in this title, and other costs.

Subtitle C—Homeownership Investments

SEC. 40201. FIRST-GENERATION DOWNPAYMENT ASSISTANCE.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the First Generation Downpayment Fund to increase equal access to homeownership, established under subsection (b) for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $6,825,000,000, to remain available until September 30, 2026, for the First-Generation Downpayment Assistance Fund under this section for allocation to each State in accordance with a formula established by the Secretary, which shall take into consideration best available data to approximate the number of potential qualified homebuyers as defined in subsection (e)(7) as well as median area home prices, to carry out the eligible uses of the Fund as described in subsection (d);

(2) $2,275,000,000, to remain available until September 30, 2026, for the First-Generation Downpayment Assistance Program under this section for competitive grants to eligible entities to carry out the eligible uses of the Fund as described in subsection (d);

(3) $500,000,000, to remain available until September 30, 2031, for the costs of providing housing counseling required under the First-Generation Downpayment Assistance Program under subsection (d)(1); and

(4) $400,000,000, to remain available until September 30, 2031, for the costs to the Secretary of Housing and Urban Development of administering and overseeing the implementation of the First-Generation Downpayment Assistance Program, including information technology, financial reporting, programmatic reporting, research and evaluations, which shall include the

program's impact on racial and ethnic disparities in homeownership rates, technical assistance to recipients of amounts under this section, and other cross-program costs in support of programs administered by the Secretary in this Act, and other costs.

(b) ESTABLISHMENT.—The Secretary of Housing and Urban Development shall establish and manage a fund to be known as the First Generation Downpayment Fund (in this section referred to as the ''Fund'') for the uses set forth in subsection (d).

(c) ALLOCATION OF FUNDS.—

(1) INITIAL ALLOCATION.—The Secretary shall allocate and award funding provided by subsection (a) as provided under such subsection not later than 12 months after the date of the enactment of this section.

(2) REALLOCATION.—If a State or eligible entity does not demonstrate the capacity to expend grant funds provided under this section, the Secretary may recapture amounts remaining available to a grantee that has not demonstrated the capacity to expend such funds in a manner that furthers the purposes of this section and shall reallocate such amounts among any other States or eligible entities that have demonstrated to the Secretary the capacity to expend such amounts in a manner that furthers the purposes of this section.

(d) TERMS AND CONDITIONS OF GRANTS ALLOCATED OR AWARDED FROM FUND.—

(1) USES OF FUNDS.—States and eligible entities receiving grants from the Fund shall use such grants to provide assistance to or on behalf of a qualified homebuyer who has completed a program of housing counseling provided through a housing counseling agency approved by the Secretary or other adequate homebuyer education before entering into a sales purchase agreement for—

(A) costs in connection with the acquisition, involving an eligible mortgage loan, of an eligible home, including downpayment costs, closing costs, and costs to reduce the rates of interest on eligible mortgage loans;

(B) subsidies to make shared equity homes affordable to eligible homebuyers; and

(C) pre-occupancy home modifications to accommodate qualified homebuyers or members of their household with disabilities;

(2) AMOUNT OF ASSISTANCE.—Assistance under this section—

(A) may be provided to or on behalf of any qualified homebuyer;

(B) may be provided to or on behalf of any qualified homebuyer only once in the form of grants or forgivable, non-amortizing, non-interest-bearing loans that may only be required to be repaid pursuant to paragraph (d)(4); and

(C) may not exceed the greater of $20,000 or 10 percent of the purchase price in the case of a qualified homebuyer, not to include assistance received under subsection (d)(1)(C) for disability related home modifications, except that the Secretary may increase such maximum limitation amounts for qualified homebuyers who are economically disadvantaged.

(3) PROHIBITION OF PRIORITY OR RECOUPMENT OF FUNDS.—In selecting qualified homebuyers for assistance with grant amounts under this section, a State or eligible entity may not provide any priority or preference for homebuyers who are acquiring eligible homes with a mortgage loan made, insured, guaranteed, or otherwise assisted by the State housing finance agency for the State, any other housing agency of the State, or an eligible entity when applicable, nor may the State or eligible entity seek to recoup any funds associated with the provision of downpayment assistance to the qualified homebuyer, whether through premium pricing or otherwise, except as provided in paragraph (4) of this subsection or otherwise authorized by the Secretary.

(4) REPAYMENT OF ASSISTANCE.—

(A) REQUIREMENT.—The Secretary shall require that, if a homebuyer to or on behalf of whom assistance is provided from grant amounts under this section fails or ceases to occupy the property acquired using such assistance as the primary residence of the homebuyer, except in the case of assistance provided in connection with the purchase of a principal residence through a shared equity homeownership program, the homebuyer shall repay to the State or eligible entity, as applicable, in a proportional amount of the assistance the homebuyer receives based on the number of years they have occupied the eligible home up to 5 years, except that no assistance shall be repaid if the qualified homebuyer occupies the eligible home as a primary residence for 5 years or more.

(B) LIMITATION.—Notwithstanding subparagraph (A), a homebuyer to or on behalf of whom assistance is provided from grant amounts under this section shall not be liable to the State or eligible entity for the repayment of the amount of such shortage if the homebuyer fails or ceases to occupy the property acquired using such assistance as the principal residence of the homebuyer at least in part because of a hardship, or sells the property acquired with such assistance before the expiration of the 60-month period beginning on such date of acquisition and the capital gains from such sale to a bona fide purchaser in an arm's length transaction are less than the amount the homebuyer is required to repay the State or eligible entity under subparagraph (A).

(5) RELIANCE ON BORROWER ATTESTATIONS.—No additional documentation beyond the borrower's attestation shall be required to demonstrate eligibility under subparagraphs (B) and (C) of subsection (e)(7) and no State, eligible entity, or creditor shall be subject to liability based on the accuracy of such attestation.

(6) COSTS TO GRANTEE.—States and eligible entities receiving grants from the Fund may use a portion of such grants for administrative costs up to the limit specified by the Secretary.

(e) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a minority depository institution, as such term is defined in section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note);

(B) a community development financial institution, as such term is defined in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702), that is certified by the Secretary of the Treasury and targets services to minority and low-income populations or provides services in neighborhoods having high concentrations of minority and low-income populations;

(C) any other nonprofit entity that the Secretary finds has a track record of providing assistance to homeowners, targets services to minority and low-income or provides services in neighborhoods having high concentrations of minority and low-income populations; and

(D) a unit of general local government, as such term is defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302).

(2) ELIGIBLE HOME.—The term ''eligible home'' means a residential dwelling that—

(A) consists of 1 to 4 dwelling units; and

(B) will be occupied by the qualified homebuyer as the primary residence of the homebuyer.

(3) ELIGIBLE MORTGAGE LOAN.—The term ''eligible mortgage loan'' means a single-family residential mortgage loan that—

(A) meets the underwriting requirements and dollar amount limitations for acquisition by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation;

(B) is made, insured, or guaranteed under any program administered by the Secretary;

(C) is made, insured, or guaranteed by the Rural Housing Administrator of the Department of Agriculture;

(D) is a qualified mortgage, as such term is defined in section 129C(b)(2) of the Truth in Lending Act (15 U.S.C. 1639c(b)(2)); or

(E) is made, insured, or guaranteed for the benefit of a veteran.

(4) FIRST GENERATION HOMEBUYER.—The term ''first-generation homebuyer'' means a homebuyer that is, as attested by the homebuyer—

(A) an individual—

(i) whose parents or legal guardians do not, or did not at the time of their death, to the best of the individual's knowledge, have any present ownership interest in a residence in any State, excluding ownership of heir property or ownership of chattel; and

(ii) whose spouse or domestic partner has not, during the 3-year period ending upon acquisition of the eligible home to be acquired using such assistance, had any present ownership interest in a residence in any State, excluding ownership of heir property or ownership of chattel, whether the individual is a co-borrower on the loan or not; or

(B) an individual who has at any time been placed in foster care or institutional care whose spouse or domestic partner has not, during the 3-year period ending upon acquisition of the eligible home to be acquired using such assistance, had any ownership interest in a residence in any State, excluding ownership of heir property or ownership of chattel, whether such individuals are co-borrowers on the loan or not.

(5) HEIR PROPERTY.—The term ''heir property'' means residential property for which title passed by operation of law through intestacy and is held by two or more heirs as tenants in common.

(6) OWNERSHIP INTEREST .—The term ''ownership interest'' means any ownership, excluding any interest in heir property, in—

(A) real estate in fee simple;

(B) a leasehold on real estate under a lease for not less than ninety-nine years which is renewable; or

(C) a fee interest in, or long-term leasehold interest in, real estate consisting of a one-family unit in a multifamily project, including a project in which the dwelling units are attached, or are manufactured housing units, semi-detached, or detached, and an undivided interest in the common areas and facilities which serve the project.

(7) QUALIFIED HOMEBUYER.—The term ''qualified homebuyer'' means a homebuyer—

(A) having an annual household income that is less than or equal to—

(i) 120 percent of median income, as determined by the Secretary, for—

(I) the area in which the home to be acquired using such assistance is located; or

(II) the area in which the place of residence of the homebuyer is located; or

(ii) 140 percent of the median income, as determined by the Secretary, for the area within which the eligible home to be acquired using such assistance is located if the homebuyer is acquiring an eligible home located in a high-cost area;

(B) who is a first-time homebuyer, as such term is defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704), except that for the purposes of this section the reference in such section 104 to title II shall be considered to refer to this section, and except that ownership of heir property shall not be treated as owning a home for purposes of determining whether a borrower qualifies as a first-time homebuyer; and

(C) who is a first-generation homebuyer.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(9) SHARED EQUITY HOMEOWNERSHIP PROGRAM.—

(A) IN GENERAL.—The term ''shared equity homeownership program'' means affordable homeownership preservation through a resale restriction program administered by a community land trust, other nonprofit organization, or State or local government or instrumentalities.

(B) AFFORDABILITY REQUIREMENTS.—Any such program under subparagraph (A) shall—

(i) provide affordable homeownership opportunities to households; and

(ii) utilize a ground lease, deed restriction, subordinate loan, or similar mechanism that includes provisions ensuring that the program shall—

(I) maintain the homeownership unit as affordable for subsequent very low-, low-, or moderate-income families for an affordability term of at least 30 years after recordation;

(II) apply a resale formula that limits the homeowner's proceeds upon resale; and

(III) provide the program administrator or such administrator's assignee a preemptive option to purchase the homeownership unit from the homeowner at resale.

(10) STATE.—The term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

(f) IMPLEMENTATION.—The Secretary shall have authority to issue such regulations, notices, or other guidance, forms, instructions, and publications to carry out the programs, projects, or activities authorized under this section to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40202. HOME LOAN PROGRAM.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $4,000,000,000 to the Secretary of Housing and Urban Development for the cost of guaranteed or insured loans and other obligations, including the cost of modifying such loans, under subsection (e)(1)(A);

(2) $500,000,000 to the Secretary of Housing and Urban Development for costs of carrying out the program under paragraph (1) and programs of the Federal Housing Administration and the Government National Mortgage Association generally, including information technology, financial reporting, and other cross-program costs in support of programs administered by the Secretary in this title, and other costs;

(3) $150,000,000 to the Secretary of Agriculture for the cost of guaranteed and insured loans and other obligations, including the cost of modifying such loans, under subsection (e)(1)(B);

(4) $50,000,000 to the Secretary of Agriculture for the costs of carrying out the program under paragraph (3) and programs of the Rural Housing Service generally, including information technology and financial reporting in support of the Program administered by the Secretary of Agriculture in this title; and

(5) $300,000,000 to the Secretary of Treasury for the costs of carrying out the program under this section.

(b) USE OF FUNDS.—

(1) IN GENERAL.—

(A) The Secretary of Housing and Urban Development and the Secretary of Agriculture shall use the funds provided under subsections (a)(1), (a)(2), (a)(3), and (a)(4) to carry out the programs under subsections (a)(1) and (a)(3) to make covered mortgage loans.

(B) The Secretary of the Treasury shall use the funds provided under subsections (a)(5) and (b)(2) to—

(i) purchase, on behalf of the Secretary of Housing and Urban Development, securities that are secured by covered mortgage loans, and sell, manage, and exercise any rights received in connection with, any financial instruments or assets acquired pursuant to the authorities granted under this section, including, as appropriate, establishing and using vehicles to purchase, hold, and sell such financial instruments or assets;

(ii) designate one or more banks, security brokers or dealers, asset managers, or investment advisers, as a financial agent of the Federal Government to perform duties related to authorities granted under this section; and

(iii) use the services of the Department of Housing and Urban Development on a reimbursable basis, and the Secretary of Housing and Urban Development is authorized to provide services as requested by the Secretary of Treasury using all authorities vested in or delegated to the Department of Housing and Urban Development.

(2) TRANSFER OF AMOUNTS TO TREASURY.—Such portions of the appropriation to the Secretary of Housing and Urban Development shall be transferred by the Secretary of Housing and Urban Development to the Department of the Treasury from time-to-time in an amount equal to, as determined by the Secretary of the Treasury in consultation with the Secretary of Housing and Urban Development, the amount necessary for the purchase of securities under the Program during the period for which the funds are intended to be available.

(3) USE OF PROCEEDS.—Revenues of and proceeds from the sale, exercise, or surrender of assets purchased or acquired under the Program under this section shall be available to the Secretary of the Treasury through September 30, 2031, for purposes of purchases under subsection (b)(1)(B)(i).

(c) LIMITATION ON AGGREGATE LOAN INSURANCE OR GUARANTEE AUTHORITY.—The aggregate original principal obligation of all covered mortgage loans insured or guaranteed under subsection (e)(1)(A) of this section may not exceed $48,000,000,000, and under section (e)(1)(B) may not exceed $12,000,000,000.

(d) GNMA GUARANTEE AUTHORITY AND FEE.—To carry out the purposes of this section, the Government National Mortgage Association may enter into new commitments to issue guarantees of securities based on or backed by mortgages insured or guaranteed under this section, not exceeding $60,000,000,000, and shall collect guaranty fees consistent with section 306(g)(1) of the National Housing Act (12 U.S.C. 1721(g)(1)) that are paid at securitization.

(e) DEFINITIONS.—In this section:

(1) COVERED MORTGAGE LOAN.—

(A) IN GENERAL.—The term ''covered mortgage loan'' means, for purposes of the Program established by the Secretary of Housing and Urban Development, a mortgage loan that—

(i) is insured by the Federal Housing Administration pursuant to section 203(b) of the National Housing Act, subject to the eligibility criteria set forth in this subsection, and has a case number issued on or before December 31, 2029;

(ii) is made for an original term of 20 years with a monthly mortgage payment of principal and interest that is not more than 110 percent and not less than 100 percent of the monthly payment of principal, interest, and periodic mortgage insurance premium associated with a newly originated 30-year mortgage loan with the same loan balance insured by the agency as determined by the Secretary;

(iii) subject to subparagraph (C) of this paragraph and notwithstanding section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)), has a mortgage insurance premium of not more than 4 percent of the loan balance that is paid at closing, financed into the principal balance of the loan, paid through an annual premium, or a combination thereof;

(iv) involves a rate of interest that is fixed over the term of the mortgage loan; and

(v) is secured by a single-family residence that is the principal residence of an eligible homebuyer.

(B) The term ''covered mortgage loan'' means, for purposes of the Program established by the Secretary of Agriculture, a loan guaranteed under section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)) that—

(i) notwithstanding section 502(h)(7)(A) of the Housing Act of 1949 (42 U.S.C. 1472(h)(7)(A)), is made for an original term of 20 years with a monthly mortgage payment of principal and interest that is not more than 110 percent and not less than 100 percent of the monthly payment of principal, interest, and loan guarantee fee associated with a newly originated 30-year mortgage loan with the same loan balance guaranteed by the agency as determined by the Secretary; and

(ii) subject to subparagraph (C) of this paragraph and notwithstanding section 502(h)(8)(A) of the Housing Act of 1949 (42 U.S.C. 1472(h)(8)(A)), has a loan guarantee fee of not more than 4 percent of the principal obligation of the loan.

(C) WAIVER AND ALTERNATIVE REQUIREMENTS.—The Secretary of Housing and Urban Development and the Secretary of Agriculture, in consultation with the Secretary of the Treasury, and notwithstanding paragraph (8)(A) of section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)(8)(A)) for purposes of the Program established by the Secretary of Agriculture, may waive or specify alternative requirements for subsection (e)(1)(A)(ii) or (e)(1)(B)(i) for covered mortgage loans in connection with the use of amounts made available under this section upon a finding that the waiver or alternative requirement is necessary to facilitate the use of amounts made available under this section.

(2) ELIGIBLE HOMEBUYER.—The term ''eligible homebuyer'' means an individual who—

(A) for purposes of the Program established by the Secretary of Housing and Urban Development—

(i) has an annual household income that is less than or equal to—

(I) 120 percent of median income for the area, as determined by the Secretary of Housing and Urban Development for—

(aa) the area in which the home to be acquired using such assistance is located; or

(bb) the area in which the place of residence of the homebuyer is located; or

(II) if the homebuyer is acquiring an eligible home that is located in a high-cost area, 140 percent of the median income, as determined by the Secretary, for the area within which the eligible home to be acquired using assistance provided under this section is located;

(ii) is a first-time homebuyer, as defined in paragraph (4) of this subsection; and

(iii) is a first-generation homebuyer as defined in paragraph (3) of this subsection;

(B) for purposes of the Program established by the Secretary of Agriculture—

(i) meets the applicable requirements in section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)); and

(ii) is a first-time homebuyer as defined in paragraph (4) of this subsection and a first-generation homebuyer as defined in paragraph (3) of this subsection.

(3) FIRST-GENERATION HOMEBUYER.—The term ''first-generation homebuyer'' means a homebuyer that, as attested by the homebuyer, is—

(A) an individual—

(i) whose parents or legal guardians do not, or did not at the time of their death, to the best of the individual's knowledge, have any present ownership interest in a residence in any State or ownership of chattel, excluding ownership of heir property; and

(ii) whose spouse, or domestic partner has not, during the 3-year period ending upon acquisition of the eligible home to be acquired using such assistance, have any present ownership interest in a residence in any State, excluding ownership of heir property or ownership of chattel, whether the individual is a co-borrower on the loan or not; or

(B) an individual who has at any time been placed in foster care or institutional care whose spouse or domestic partner has not, during the 3-year period ending upon acquisition of the eligible home to be acquired using such assistance, had any ownership interest in a residence in any State, excluding ownership of heir property

or ownership of chattel, whether such individuals are co-borrowers on the loan or not.

(4) FIRST-TIME HOMEBUYER.—The term ''first-time homebuyer'' means a homebuyer as defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704), except that for the purposes of this section the reference in such section 12704(14) to title II shall be considered to refer to this section, and except that ownership of heir property shall not be treated as owning a home for purposes of determining whether a borrower qualifies as a first-time homebuyer.

(5) HEIR PROPERTY.—The term ''heir property'' means residential property for which title passed by operation of law through intestacy and is held by two or more heirs as tenants in common.

(6) OWNERSHIP INTEREST.—The term ''ownership interest'' means any ownership, excluding any interest in heir property, in—

(A) real estate in fee simple;

(B) a leasehold on real estate under a lease for not less than ninety-nine years which is renewable; or

(C) a fee interest in, or long-term leasehold interest in, real estate consisting of a one-family unit in a multifamily project, including a project in which the dwelling units are attached, or are manufactured housing units, semi-detached, or detached, and an undivided interest in the common areas and facilities which serve the project.

(7) STATE.—The term ''State'' means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(f) RELIANCE ON BORROWER ATTESTATIONS.—No additional documentation beyond the borrower's attestation shall be required to demonstrate eligibility under clauses (ii) and (iii) of subsection (e)(2)(A) and clause (ii) of subsection (e)(2)(B) and no State, eligible entity, or creditor shall be subject to liability based on the accuracy of such attestation.

(g) IMPLEMENTATION.—The Secretary of Housing and Urban Development, the Secretary of Agriculture, and the Secretary of Treasury shall have authority to issue such regulations, notices, or other guidance, forms, instructions, and publications to carry out the programs, projects, or activities authorized under this section to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40203. HUD-INSURED SMALL DOLLAR MORTGAGE DEMONSTRATION PROGRAM.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $76,000,000 for a program to increase access to small-dollar mortgages, as defined in subsection (b), which may include payment of incentives to lenders, adjustments to terms and costs, individual financial assistance, technical assistance to lenders and certain financial institutions to help originate loans, lender and borrower outreach, and other activities;

(2) $10,000,000 for the cost of insured or guaranteed loans, including the cost of modifying loans; and

(3) $14,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section and programs in the Office of Housing generally, including information technology, financial reporting, research and evaluations, fair housing and fair lending compliance, and other cross-program costs in support of programs administered by the Secretary in this title, and other costs.

(b) SMALL-DOLLAR MORTGAGE.—For purposes of this section, the term ''small-dollar mortgage'' means a forward mortgage that—

(1) has an original principal balance of $100,000 or less;

(2) is secured by a one- to four-unit property that is the mortgagor's principal residence; and

(3) is insured or guaranteed by the Secretary.

(c) IMPLEMENTATION.—The Secretary shall have authority to issue such regulations, notices, or other guidance, forms, instructions, and publications to carry out the programs, projects, or activities authorized under this section to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40204. INVESTMENTS IN RURAL HOMEOWNERSHIP.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Rural Housing Service of the Department of Agriculture for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until expended—

(1) $90,000,000 for providing single family housing repair grants under section 504(a) of the Housing Act of 1949 (42 U.S.C. 1474(a)), subject to the terms and conditions in subsection (b) of this section;

(2) $10,000,000 for administrative expenses of the Rural Housing Service of the Department of Agriculture that in whole or in part support activities funded by this section and related activities.

(b) TERMS AND CONDITIONS.—

(1) ELIGIBILITY.—Eligibility for grants from amounts made available by subsection (a)(1) shall not be subject to the limitations in section 3550.103(b) of title 7, Code of Federal Regulations.

(2) USES.—Notwithstanding the limitations in section 3550.102(a) of title 7, Code of Federal Regulations, grants from amounts made available by subsection (a)(2) shall be available for the eligible purposes in section 3550.102(b) of title 7, Code of Federal Regulations.

(c) IMPLEMENTATION.—The Administrator of the Rural Housing Service shall have authority to issue such regulations, notices, or other guidance, forms, instructions, and publications to carry out the programs, projects, or activities authorized under this section to ensure that such programs, projects, or activities are completed in a timely and effective manner.

Subtitle D—HUD Administration, Capacity Building, Technical Assistance, and Agency Oversight

SEC. 40301. PROGRAM ADMINISTRATION, TRAINING, TECHNICAL ASSISTANCE, CAPACITY BUILDING, AND OVERSIGHT.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated,—

(1) $949,250,000 to the Secretary of Housing and Urban Development for—

(A) the costs to the Secretary of administering and overseeing the implementation of this title and the Department's programs generally, including information technology, inspections of housing units, research and evaluation, financial reporting, and other costs; and

(B) new awards or increasing prior awards to provide training, technical assistance, and capacity building related to the Department's programs, including direct program support to program recipients throughout the country, including insular areas, that require such assistance with daily operations;

(2) $43,250,000 to the Office of Inspector General of the Department of Housing and Urban Development for necessary salaries and expenses for conducting oversight of amounts provided by this title;

(3) $5,000,000 to the Office of Inspector General of the Department of the Treasury for necessary salaries and expenses for conducting oversight of amounts provided by this title; and

(4) $2,500,000 to the Office of Inspector General of the Department of the Agriculture for necessary salaries and expenses for conducting oversight of amounts provided by this title.

Amounts appropriated by this section shall remain available until September 30, 2031.

(b) IMPLEMENTATION.—The Secretary of Housing and Urban Development shall have authority to issue such regulations, notices, or other guidance, forms, instructions, and publications to carry out the programs, projects, or activities authorized under this section to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40302. COMMUNITY-LED CAPACITY BUILDING.

(a) APPROPRIATION.—In addition to amounts otherwise made available, there is appropriated to the Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $90,000,000 for competitively awarded funds for technical assistance and capacity building to non-Federal entities, including grants awarded to nonprofit organizations to provide technical assistance activities to community development corporations, community housing development organizations, community land trusts, nonprofit organizations in insular areas, and other mission-driven and nonprofit organizations that target services to low-income and socially disadvantaged populations, and provide services in neighborhoods having high concentrations of minority, low-income, or socially disadvantaged populations to—

(A) provide training, education, support, and advice to enhance the technical and administrative capabilities of community development corporations, community housing development organizations, community land trusts, and other mission-driven and nonprofit organizations undertaking affordable housing development, acquisition, preservation, or rehabilitation activities;

(B) provide predevelopment assistance to community development corporations, community housing development organizations, and other mission-driven and nonprofit organizations undertaking affordable housing development, acquisition, preservation, or rehabilitation activities; and

(C) carry out such other activities as may be determined by the grantees in consultation with the Secretary; and

(2) $10,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section and the Department's technical assistance programs generally, including information technology, research and evaluations, financial reporting, and other cross-program costs in support of programs administered by the Secretary in this title and other costs.

Amounts appropriated by this section shall remain available until September 30, 2031.

(b) IMPLEMENTATION.—The Secretary shall have authority to issue such regulations, notices, or other guidance, forms, instructions, and publications to carry out the programs, projects, or activities authorized under this section to ensure that such programs, projects, or activities are completed in a timely and effective manner.

Subtitle E—Economic Development

SEC. 40401. MINORITY BUSINESS DEVELOPMENT AGENCY.

In addition to amounts otherwise available, there is appropriated to the Minority Business Development Agency of the Department of Commerce for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $200,000,000, to remain available until September 30, 2026, for entering into agreements with minority-serving institutions of higher education or consortiums of institutions of higher education that are led by minority-serving institutions of higher education to operate a rural business center to assist minority business enterprises located in rural areas, priority for which shall be given to institutions that have financial need and are located in areas that have a significant population of socially or economically disadvantaged individuals; and

(2) $1,000,000,000, to remain available until September 30, 2026, for entering into grants and agreements to—

(A) assist the formation and growth of minority business enterprises;

(B) establish and provide Federal assistance to minority business centers, specialty centers, and minority business enterprises;

(C) make grants to private, nonprofit organizations that can demonstrate that a primary activity of the organization is to provide services to minority business enterprises, priority for which shall be given to organizations located in a Federally recognized area of economic distress; and

(D) provide grants and assistance to minority-serving institutions of higher education to develop and implement entrepreneurship curricula and participate in the business center program of the Minority Business Development Agency; and

(3) $400,000,000, to remain available until September 30, 2029, to—

(A) establish not less than 5 regional offices of the Minority Business Development Agency, 1 of which shall be established in each region of the United States, as determined by the Secretary;

(B) assist the formation and growth of minority business enterprises;

(C) collect data relating to the needs and development of minority business enterprises;

(D) annually review the status of problems and programs relating to capital formation by minority business enterprises; and

(E) carry out this section.

SEC. 40402. ENHANCED USE OF DEFENSE PRODUCTION ACT OF 1950.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money at the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2025, to carry out the Defense Production Act of 1950 in accordance with subsection (b).

(b) USE.—Amounts appropriated by subsection (a) shall be used to create, maintain, protect, expand, or restore the domestic industrial base capabilities essential for national and economic security.

SEC. 40403. SUPPORTING FACTORY-BUILT HOUSING THROUGH SSBCI.

(a) IN GENERAL.—Section 3009 of the State Small Business Credit Initiative Act of 2010 (12 U.S.C. 5708) is amended—

(1) in subsection (c), by striking ''at the end of the 7-year period beginning on March 11, 2021'' and inserting ''on September 30, 2030''; and

(2) by adding at the end the following:

''(f) ADDITIONAL TECHNICAL ASSISTANCE WITH RESPECT TO FACTORY-BUILT HOUSING SECTOR.—The Secretary shall contract with legal, accounting, and financial advisory firms to provide technical assistance to existing and prospective business enterprises within the factory-built housing sector applying to—

''(1) State programs under the Program; and

''(2) other State or Federal programs that support small businesses.''.

(b) APPROPRIATION.—In addition to amounts otherwise available, there is hereby appropriated to the Secretary of the Treasury for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until September 30, 2030, to carry out the amendments made by subsection (a).

TITLE V—COMMITTEE ON HOMELAND SECURITY

SEC. 50001. CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.

(a) IMPROVING FEDERAL SYSTEM CYBERSECURITY.—In addition to amounts otherwise made available, there is appropriated to the Cybersecurity and Infrastructure Security Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2031, for cybersecurity risk mitigation.

(b) CYBERSECURITY TRAINING.—In addition to amounts otherwise made available, there is appropriated to the Cybersecurity and Infrastructure Security Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2031, for the Cybersecurity Education and Training Assistance Program, Federal assistance grants under the Cybersecurity Education and Training Assistance Program, and necessary mission support activities.

(c) CYBERSECURITY AWARENESS, TRAINING, AND WORKFORCE DEVELOPMENT.—In addition to amounts otherwise made available, there is appropriated to the Cybersecurity and Infrastructure Security Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2031, for improving cybersecurity awareness, training, and workforce development, including necessary mission support activities.

(d) MULTI-STATE INFORMATION SHARING AND ANALYSIS CENTER.—In addition to amounts otherwise made available, there is appropriated to the Cybersecurity and Infrastructure Security Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $35,000,000, to remain available until September 30, 2031, for Federal assistance through cooperative agreements with the Multi-State Information Sharing and Analysis Center.

(e) CYBERSENTRY.—In addition to amounts otherwise made available, there is appropriated to the Cybersecurity and Infrastructure Security Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2031, for the purpose of protecting critical infrastructure industrial control systems and the CyberSentry program.

(f) CLOUD SECURITY.—In addition to amounts otherwise made available, there is appropriated to the Cybersecurity and Infrastructure Security Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2031, for the purpose of executing the secure cloud architecture activities, migration advisory services, and cloud threat hunting capabilities of the Cybersecurity and Infrastructure Security Agency.

(g) INDUSTRIAL CONTROL SYSTEMS SECURITY.—In addition to amounts otherwise made available, there is appropriated to the Cybersecurity and Infrastructure Security Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2031, for the purpose of researching and developing the means by which to secure operational technology and industrial control systems against security vulnerabilities (as such term is defined in section 102(17) of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501(17)).

SEC. 50002. CYBERSECURITY ASSISTANCE.

(a) STATE AND LOCAL CYBERSECURITY RECRUITMENT AND TRAINING.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $80,000,000, to remain available until September 30, 2031, to the Administrator of the Federal Emergency Management Agency, in consultation with the Cybersecurity and Infrastructure Security Agency, to award grants, contracts, or cooperative agreements to State, local, Tribal, and territorial governments for cybersecurity recruitment and training to enhance efforts to address cybersecurity risks (as defined in paragraph (2) of section 2201 of the Homeland Security Act) and cybersecurity threats (as defined in paragraph (3) of section 2201 of the Homeland Security Act).

(b) MIGRATION TO .GOV DOMAIN.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2031, to the Administrator of the Federal Emergency Management Agency, in consultation with the Cybersecurity and Infrastructure Security Agency, to award grants, contracts, or cooperative agreements to State, local, Tribal, and territorial governments to carry out activities to migrating the online services of such governments to the .gov internet domain.

(c) LIMITATION.—The Administrator of the Federal Emergency Management Agency may not use amounts appropriated under this section for activities under the National Flood Insurance Act of 1968 or a function of the Federal Emergency Management Agency relating to that Act.

SEC. 50003. NONPROFIT SECURITY GRANT PROGRAM.

(a) HIGH-RISK URBAN AREAS.—In addition to amounts otherwise available, there is appropriated, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2031, to the Administrator of Federal Emergency Management Agency for the Nonprofit Security Grant Program for grants to nonprofits under the Urban Area Security Initiative.

(b) OTHER AREAS.—In addition to amounts otherwise available, there is appropriated, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2031, to the Administrator of the Federal Emergency Management Agency for the Nonprofit Security Grant Program for grants to nonprofits under the State Homeland Security Grant Program.

(c) LIMITATION.—The Administrator of the Federal Emergency Management Agency may not use amounts appropriated under this section for activities under the National Flood Insurance Act of 1968 or a function of the Federal Emergency Management Agency relating to that Act.

SEC. 50004. OFFICE OF CHIEF READINESS SUPPORT OFFICER.

In addition to the amounts otherwise available, there is appropriated to the Secretary of Homeland Security for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $900,000,000, to remain available until September 30, 2028, for the Office of the Chief Readiness Support Officer to carry out sustainability and environmental programs.

TITLE VI—COMMITTEE ON THE JUDICIARY

Subtitle A—Immigration Provisions

SEC. 60001. PROTECTIONS AND WORK PERMITS.

(a) IN GENERAL.—The Secretary of Homeland Security shall—

(1) under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) and consistent with this section, parole into the United States for a period of 5 years or until September 30, 2031, whichever is earlier, an alien described in subsection (b), if such alien—

(A) files an application for parole after the date of the enactment of this section;

(B) pays an administrative fee in an amount sufficient to cover the cost of processing the application; and

(C) completes security and law enforcement background checks to the satisfaction of the Secretary; and

(2) for the period during which an alien is paroled into the United States under paragraph (1) and any period in which such parole is extended under subsection (c)—

(A) provide employment and travel authorization to such alien; and

(B) deem such alien eligible for a driver's license or identification card under section 202 of the REAL ID Act of 2005 (division B of Public Law 109–13; 49 U.S.C. 30301 note).

(b) ALIENS DESCRIBED.—An alien is described in this subsection if the alien—

(1) before January 1, 2011—

(A) was inspected and admitted to the United States;

(B) entered the United States without inspection; or

(C) was paroled into the United States;

(2) has continuously resided in the United States since such entry; and

(3) is not inadmissible pursuant to paragraph (2), (3), (6)(E), (8), (10)(A), (10)(C), or (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).

(c) EXTENSION.—Consistent with the requirements under subsection (a), and based on the policies and implementing guidance issued pursuant to this section and in effect when parole was initially granted to the alien under this section, the Secretary of Homeland Security shall extend a grant of parole for an alien described in subsection (b) from the date the initial parole period expires until September 30, 2031.

(d) REVOCATION.—The Secretary of Homeland Security may not revoke parole granted to an alien under subsection (a) unless the Secretary determines that such alien is ineligible for parole under subsection (b) based on the policies and implementing guidance in effect when parole was initially granted to the alien under this section.

(e) CLARIFICATIONS.—

(1) IN GENERAL.—An alien paroled under this section shall not be counted for purposes of the calculation under section 201(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(c)(4)).

(2) OTHER RELIEF.—Nothing in this section shall limit the existing authority of the Secretary of Homeland Security to provide administrative or statutory relief to aliens on an individual or class-wide basis.

(f) CONFIDENTIALITY OF INFORMATION.—The Secretary of Homeland Security may not disclose information provided in any application filed under this section to U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or any designee of either such entity or use such information for purposes of immigration enforcement.

(g) INTERIM RULES.—Not later than 90 days after the date of the enactment of this section, the Secretary of Homeland Security shall publish in the Federal Register, interim final rules implementing this section and shall, not later than 90 days after such rules are published, begin accepting and adjudicating applications for parole under subsection (a)(1)(A).

SEC. 60002. RECAPTURE OF UNUSED IMMIGRANT VISA NUMBERS.

(a) ENSURING FUTURE USE OF ALL IMMIGRANT VISAS.—Section 201(c)(1)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1151(c)(1)(B)(ii)) is amended to read as follows:

''(ii) In no case shall the number computed under subparagraph (A) be less than the sum of—

''(I) 226,000; and

''(II) the number computed under paragraph (3).''.

(b) RECAPTURING UNUSED VISAS.—Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended by adding at the end the following:

''(g) RECAPTURING UNUSED VISAS.—

''(1) FAMILY-SPONSORED VISAS.—

''(A) IN GENERAL.—Notwithstanding the numerical limitations set forth in this section or in sections 202 or 203, beginning in fiscal year 2022, the number of family-sponsored immigrant visas that may be issued under section 203(a) shall be increased by the number computed under subparagraph (B).

''(B) UNUSED VISAS.—The number computed under this subparagraph is the difference, if any, between—

''(i) the difference, if any, between—

''(I) the number of visas that were originally made available to family-sponsored immigrants under section 201(c)(1) for fiscal years 1992 through 2021, setting aside any unused visas made available to such immigrants in such fiscal years under section 201(c)(3); and

''(II) the number of visas described in subclause (I) that were issued under section 203(a), or, in accordance with section 201(d)(2)(C), under section 203(b); and

''(ii) the number of visas resulting from the calculation under clause (i) issued under section 203(a) after fiscal year 2021.

''(2) EMPLOYMENT-BASED VISAS.—

''(A) IN GENERAL.—Notwithstanding the numerical limitations set forth in this section or in sections 202 or 203, beginning in fiscal year 2022, the number of employment-based immigrant visas that may be issued under section 203(b) shall be increased by the number computed under subparagraph (B).

''(B) UNUSED VISAS.—The number computed under this paragraph is the difference, if any, between—

''(i) the difference, if any, between—

''(I) the number of visas that were originally made available to employment-based immigrants under section 201(d)(1) for fiscal years 1992 through 2021, setting aside any unused visas made available to such immigrants in such fiscal years under section 201(d)(2); and

''(II) the number of visas described in subclause (I) that were issued under section 203(b), or, in accordance with section 201(c)(3)(C), under section 203(a); and

''(ii) the number of visas resulting from the calculation under clause (i) issued under section 203(b) after fiscal year 2021.

''(3) DIVERSITY VISAS.—Notwithstanding section 204(a)(1)(I)(ii)(II), an immigrant visa for an alien selected in accordance with section 203(e)(2) in fiscal year 2017, 2018, 2019, 2020, or 2021 shall remain available to such alien (and the spouse and children of such alien) if—

''(A) the alien was refused a visa, prevented from seeking admission, or denied admission to the United States solely because of Executive Order 13769, Executive Order 13780, Presidential Proclamation 9645, or Presidential Proclamation 9983; or

''(B) because of restrictions or limitations on visa processing, visa issuance, travel, or other effects associated with the COVID–19 public health emergency—

''(i) the alien was unable to receive a visa interview despite submitting an Online Immigrant Visa and Alien Registration Application (Form DS–260) to the Secretary of State; or

''(ii) the alien was unable to seek admission or was denied admission to the United States despite being approved for a visa under section 203(c).''.

SEC. 60003. ADJUSTMENT OF STATUS.

Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

''(n) VISA AVAILABILITY.—

''(1) IN GENERAL.—Notwithstanding subsection (a)(3), the Secretary of Homeland Security may accept for filing an application for adjustment of status from an alien (and the spouse and children of such alien), if such alien—

''(A) is the beneficiary of an approved petition under section 204(a)(1);

''(B) pays a supplemental fee of $1,500, plus $250 for each derivative beneficiary; and

''(C) is otherwise eligible for such adjustment.

''(2) EXEMPTION.—The Secretary of Homeland Security shall exempt an alien (and the spouse and children of such alien) from the numerical limitations described in sections 201, 202, and 203, and the Secretary of Homeland Security may adjust the status of such alien (and the spouse and children of such alien) to lawful permanent resident, if such alien submits or has submitted an application for adjustment of status and—

''(A) such alien—

''(i) is the beneficiary of an approved petition under subparagraph (A)(i) or (B)(i)(I) of section 204(a)(1) that bears a priority date that is more than 2 years before the date the alien requests an exemption from the numerical limitations; and

''(ii) pays a supplemental fee of $2,500;

''(B) such alien—

''(i) is the beneficiary of an approved petition under subparagraph (E) or (F) of section 204(a)(1) that bears a priority date that is more than 2 years before the date the alien requests an exemption from the numerical limitations; and

''(ii) pays a supplemental fee of $5,000; or

''(C) such alien—

''(i) is the beneficiary of an approved petition under subparagraph (H) of section 204(a)(1) that bears a priority date that is more than 2 years before the date the alien requests an exemption from the numerical limitations; and

''(ii) pays a supplemental fee of $50,000.

''(3) EFFECTIVE DATE.—

''(A) IN GENERAL.—The provisions of this subsection—

''(i) shall take effect on the earlier of the date that is—

''(I) 180 days after the date of the enactment of this subsection; or

''(II) May 1, 2022; and

''(ii) except as provided in subparagraph (B), shall cease to have effect on September 30, 2031.

''(B) CONTINUATION.—Paragraph (2) shall continue in effect with respect to an alien who requested an exemption of the numerical limitations and paid the requisite fee prior to the date described in subparagraph (A)(ii), until the Secretary of Homeland Security renders a final administrative decision on such application.''.

SEC. 60004. ADDITIONAL SUPPLEMENTAL FEES.

(a) TREASURY.—The fees described in this section, section 60001, and section 245(n) of the Immigration and Nationality Act, as added by this subtitle—

(1) shall be deposited in the general fund of the Treasury; and

(2) may not be waived, in whole or in part.

(b) IMMIGRANT VISA PETITIONS.—In addition to any other fee collected in connection with a petition described in this subsection, the Secretary of Homeland Security shall collect a supplemental fee in the amount of—

(1) $100 in connection with each petition filed under—

(A) section 204(a)(1)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(i)) for classification by reason of a relationship described under paragraph (1), (3), or (4) of section 203(a) of such Act (8 U.S.C. 1153(a)); and

(B) section 204(a)(1)(B)(i)(I) of such Act (8 U.S.C. 1154(a)(1)(B)(i)(I));

(2) $800 in connection with each petition filed under subparagraph (E) or (F) of section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)); and

(3) $15,000 in connection with each petition filed under subparagraph (H) of section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)).

(c) FORM I-94 OR FORM I-94W.—The Secretary of Homeland Security shall collect from each individual who is admitted to the United States as a nonimmigrant, and is issued an electronic or paper arrival/departure record (Form I-94 or Form I-94W, or any successor form), a fee of $19.

(d) STUDENT AND EXCHANGE VISITORS.—In addition to any other fee collected from an approved institution of higher education, other approved educational institution, or designated exchange visitor program in the United States, in connection with nonimmigrants described in subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) enrolled in such institution or program, the Secretary of Homeland Security shall collect a supplemental fee of $250 for each such nonimmigrant.

(e) PERMANENT RESIDENT CARD REPLACEMENT.—In addition to any other fee collected in connection with each Application to Replace

Permanent Resident Card (Form I-90, or any successor form), filed for purposes of replacing an expired or expiring permanent resident card, the Secretary of Homeland Security shall collect a supplemental fee of $500.

(f) NONIMMIGRANT VISA PETITIONS.—In addition to any other fee collected in connection with a petition filed under section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), the Secretary of Homeland Security shall collect a supplemental fee of $500 in connection with each such petition for classification as a nonimmigrant under subparagraph (E), (H)(i)(b), (L), (O), or (P) of section 101(a)(15) of such Act (8 U.S.C. 1101(a)(15)).

(g) EXTEND/CHANGE STATUS.—In addition to any other fee collected in connection with each Application to Extend/Change Nonimmigrant Status (Form I-539, or any successor form), the Secretary of Homeland Security shall collect a supplemental fee of $500.

(h) EMPLOYMENT AUTHORIZATION.—In addition to any other fee collected in connection with an application for employment authorization (Form I-765, or any successor form), the Secretary of Homeland Security shall collect a supplemental fee of $500 for each such application filed by an individual seeking such authorization as—

(1) the spouse of a nonimmigrant described in subparagraph (E), (H), or (L) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15));

(2) a nonimmigrant described in section 101(a)(15)(F) of such Act (8 U.S.C. 1101(a)(15)(F)) to engage in optional practical training; or

(3) as an applicant for adjustment of status under section 245(a) of such Act (8 U.S.C. 1255(a)).

(i) EFFECTIVE DATE.—The fees authorized by this section shall take effect on the earlier of the date that is—

(1) 180 days after the date of the enactment of this Act; and

(2) May 1, 2022.

SEC. 60005. U.S. CITIZENSHIP AND IMMIGRATION SERVICES.

In addition to amounts otherwise available, there is appropriated to U.S. Citizenship and Immigration Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,800,000,000, to remain available until expended, for the purpose of increasing the capacity of U.S. Citizenship and Immigration Services to adjudicate efficiently applications described in section 60001 of this Act, and section 245(n) of the Immigration and Nationality Act (8 U.S.C. 1255(n)), as added by 60003 of this Act, and to reduce case processing backlogs.

Subtitle B—Community Violence Prevention

SEC. 61001. FUNDING FOR COMMUNITY-BASED VIOLENCE INTERVENTION INITIATIVES.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Attorney General for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,500,000,000, to remain available until September 30, 2031, for the purposes described in subsection (b).

(b) USE OF FUNDING.—The Attorney General, acting through the Assistant Attorney General of the Office of Justice Programs, the Director of the Office of Community Oriented Policing Services, and the Director of the Office on Violence Against Women, shall use amounts appropriated by subsection (a)—

(1) to award competitive grants or contracts to units of local government, States, the District of Columbia, Indian Tribes, nonprofit community-based organizations, victim services providers, or other entities as determined by the Attorney General, to support evidence-informed intervention strategies to reduce community violence;

(2) to support training, technical assistance, research, evaluation, and data collection on strategies to effectively reduce community violence and ensure public safety; and

(3) to support research, evaluation, and data collection on the differing impact of community violence on demographic categories.

Subtitle C—Antitrust

SEC. 62001. ANTITRUST DIVISION.

In addition to amounts otherwise available, there is appropriated to the Attorney General for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2031, for necessary expenses for the Department of Justice Antitrust Division for carrying out work of the Division related to competition or enforcement of the antitrust laws.

SEC. 62002. FEDERAL TRADE COMMISSION FUNDING FOR UNFAIR COMPETITION AND ANTITRUST ENFORCEMENT WORK.

In addition to amounts otherwise available, there is appropriated to the Federal Trade Commission for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000 to remain available until September 30, 2031, for carrying out work of the Commission related to unfair methods of competition or enforcement of the antitrust laws.

Subtitle D—Revenue Matters

SEC. 63001. ADDITIONAL APPROPRIATION FOR ENFORCEMENT RELATING TO FEDERAL INCOME TAX EVASION.

In addition to amounts otherwise available, there is appropriated to the Attorney General for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $498,000,000, to remain available until September 30, 2030, for necessary expenses for the Department of Justice Tax Division for purposes of enforcing Federal laws against tax evasion, including by pursuing civil cases or prosecuting criminal violations.

TITLE VII—COMMITTEE ON NATURAL RESOURCES

Subtitle A—Native American and Native Hawaiian Affairs

SEC. 70101. TRIBAL CLIMATE RESILIENCE.

(a) TRIBAL CLIMATE RESILIENCE AND ADAPTATION.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $441,000,000, to remain available until September 30, 2031, for Tribal climate resilience and adaptation programs.

(b) BUREAU OF INDIAN AFFAIRS FISH HATCHERIES.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $19,600,000, to remain available until September 30, 2031, for fish hatchery operations and maintenance programs of the Bureau of Indian Affairs.

(c) ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $9,400,000, to remain available until September 30, 2031, for the administrative costs of carrying out this section. None of the funds provided by this section shall be subject to cost-sharing or matching requirements

(d) SMALL AND NEEDY PROGRAM.—Amounts made available under this section shall be excluded from the calculation of funds received by those Tribal governments that participate in the ''Small and Needy'' program.

(e) DISTRIBUTION; USE OF FUNDS.—Amounts made available under this section that are distributed to Indian Tribes and Tribal organizations for services pursuant to a self-determination contract (as defined in subsection (j) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(j))) or a self-governance compact entered into pursuant to subsection (a) of section 404 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5364(a))—

(1) shall be distributed on a 1-time basis;

(2) shall not be part of the amount required by subsections (a) through (b) of section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5325(a)–(b)); and

(3) shall only be used for the purposes identified under the applicable subsection.

SEC. 70102. NATIVE HAWAIIAN CLIMATE RESILIENCE.

(a) NATIVE HAWAIIAN CLIMATE RESILIENCE AND ADAPTATION.—In addition to amounts otherwise available, there is appropriated to the Senior Program Director of the Office of Native Hawaiian Relations for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $49,000,000, to remain available until September 30, 2031, to carry out, through financial assistance, technical assistance, direct expenditure, grants, contracts, or cooperative agreements, climate resilience and adaptation activities that serve the Native Hawaiian Community.

(b) ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the Senior Program Director of the Office of Native Hawaiian Relations for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000, to remain available until September 30, 2031, for the administrative costs of carrying out this section. None of the funds provided by this section shall be subject to cost-sharing or matching requirements.

SEC. 70103. TRIBAL ELECTRIFICATION PROGRAM.

(a) TRIBAL ELECTRIFICATION PROGRAM.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $294,000,000, to remain available until September 30, 2031, for—

(1) the provision of electricity to unelectrified Tribal homes through renewable energy systems;

(2) transitioning electrified Tribal homes to renewable energy systems; and

(3) associated home repairs and retrofitting necessary to install the renewable energy systems authorized under paragraphs (1) and (2).

(b) ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $6,000,000, to remain available until September 30, 2031, for the administrative costs of carrying out this section.

(c) SMALL AND NEEDY PROGRAM.—Amounts made available under this section shall be excluded from the calculation of funds received by those Tribal governments that participate in the ''Small and Needy'' program.

(d) DISTRIBUTION; USE OF FUNDS.—Amounts made available under this section that are distributed to Indian Tribes and Tribal organizations for services pursuant to a self-determination contract (as defined in subsection (j) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(j))) or a self-governance compact entered into pursuant to subsection (a) of section 404 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5364(a))—

(1) shall be distributed on a 1-time basis;

(2) shall not be part of the amount required by subsections (a) through (b) of section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5325(a)–(b)); and

(3) shall only be used for the purposes identified under the applicable subsection.

SEC. 70104. EMERGENCY DROUGHT RELIEF FOR TRIBES.

In addition to amounts otherwise available, there is appropriated to the Commissioner of the Bureau of Reclamation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until

September 30, 2026, for near-term drought relief actions to mitigate drought impacts for Indian Tribes that are impacted by the operation of a Bureau of Reclamation water project, including through direct financial assistance to address drinking water shortages and to mitigate the loss of Tribal trust resources.

SEC. 70105. NATIVE AMERICAN CONSULTATION RESOURCE CENTER.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $33,000,000, to remain available until September 30, 2031, to establish and administer a Native American Consultation Resource Center (the authority for which shall expire on September 30, 2031) to provide training and technical assistance to support Federal consultation and coordination responsibilities relating to—

(1) the protection of the natural and cultural resources of Native Americans;

(2) land use planning and development that impacts Tribal Governments, Alaska Native Corporations, and the Native Hawaiian Community; and

(3) infrastructure projects that impact Tribal Governments, Alaska Native Corporations, and the Native Hawaiian Community.

(b) DEFINITION.—In this section:

(1) ALASKA NATIVE CORPORATION.—The term ''Alaska Native Corporation'' has the meaning given the term in subsection (m) of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)).

(2) NATIVE AMERICAN.—The term ''Native American'' means—

(A) an Indian (as defined in subsection (d) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(d)));

(B) a Native Hawaiian (as defined in item (10) of section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001(10))); and

(C) a Native (as defined in subsection (b) of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b))).

(3) TRIBAL GOVERNMENT.—The term ''Tribal Government'' means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this paragraph pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

SEC. 70106. INDIAN HEALTH SERVICE.

(a) MAINTENANCE AND IMPROVEMENT.—In addition to amounts otherwise available, there is appropriated to the Director of the Indian Health Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $945,000,000, to remain available until September 30, 2031, for maintenance and improvement of facilities operated by the Indian Health Service or pursuant to a self-determination contract (as defined in subsection (j) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(j))) or a self-governance compact entered into pursuant to subsection (a) of section 404 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5364(a)).

(b) MENTAL HEALTH AND SUBSTANCE USE DISORDERS.—In addition to amounts otherwise available, there is appropriated to the Director of the Indian Health Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $123,716,000, to remain available until September 30, 2031, for mental health and substance use prevention and treatment services, including facility renovation, construction, or expansion relating to mental health and substance use prevention and treatment services.

(c) PRIORITY HEALTH CARE FACILITIES.—In addition to amounts otherwise available, there is appropriated to the Director of the Indian Health Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2031, for projects identified through the health care facility priority system established and maintained pursuant to subparagraph (A) of paragraph (1) of subsection (c) of section 301 of the Indian Health Care Improvement Act (25 U.S.C. 1631(c)(1)(A)).

(d) SMALL AMBULATORY.—In addition to amounts otherwise available, there is appropriated to the Director of the Indian Health Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $40,000,000, to remain available until September 30, 2031, for small ambulatory construction.

(e) URBAN INDIAN ORGANIZATIONS.—In addition to amounts otherwise available, there is appropriated to the Director of the Indian Health Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2031, for, notwithstanding the restrictions described in section 509 of the Indian Health Care Improvement Act (25 U.S.C. 1659), the renovation, construction, expansion, equipping, and improvement of facilities owned or leased by an Urban Indian organization (as defined in item (29) of section 4 of that Act (25 U.S.C. 1603(29))).

(f) EPIDEMIOLOGY CENTERS.—In addition to amounts otherwise available, there is appropriated to the Director of the Indian Health Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until September 30, 2031, for the epidemiology centers established under paragraphs (1) through (2) of subsection (a) of section 214 of the Indian Health Care Improvement Act (25 U.S.C. 1621m(a)(1)–(2)).

(g) ENVIRONMENTAL HEALTH AND FACILITIES SUPPORT ACTIVITIES.—In addition to amounts otherwise available, there is appropriated to the Director of the Indian Health Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $113,284,000, to remain available until September 30, 2031, for environmental health and facilities support activities of the Indian Health Service.

(h) DISTRIBUTION; USE OF FUNDS.—Amounts appropriated under this section that are distributed to Indian Tribes and Tribal organizations for services pursuant to a self-determination contract (as defined in subsection (j) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(j))) or a self-governance compact entered into pursuant to subsection (a) of section 404 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5364(a))—

(1) shall be distributed on a 1-time basis;

(2) shall not be part of the amount required by subsections (a) through (b) of section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5325(a)–(b)); and

(3) shall only be used for the purposes identified under the applicable subsection.

SEC. 70107. TRIBAL PUBLIC SAFETY.

(a) PUBLIC SAFETY AND JUSTICE.—In addition to amounts otherwise available, there is appropriated to the Assistant Secretary for Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $490,000,000, to remain available until September 30, 2031, for public safety and justice programs and construction.

(b) ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the Assistant Secretary for Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2031, for the administrative costs of carrying out this section.

(c) SMALL AND NEEDY PROGRAM.—Amounts made available under this section shall be excluded from the calculation of funds received by those Tribal governments that participate in the ''Small and Needy'' program.

(d) DISTRIBUTION; USE OF FUNDS.—Amounts made available under this section that are distributed to Indian Tribes and Tribal organizations for services pursuant to a self-determination contract (as defined in subsection (j) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(j))) or a self-governance compact entered into pursuant to subsection (a) of section 404 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5364(a))—

(1) shall be distributed on a 1-time basis;

(2) shall not be part of the amount required by subsections (a) through (b) of section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5325(a)–(b)); and

(3) shall only be used for the purposes identified under the applicable subsection.

SEC. 70108. BUREAU OF INDIAN AFFAIRS AND TRIBAL ROADS.

(a) ROADS.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $715,400,000, to remain available until September 30, 2026, for the Bureau of Indian Affairs Road System and Tribal transportation facilities (as defined in paragraph (31) of subsection (a) of section 101 of title 23, United States Code)—

(1) for road maintenance;

(2) for planning, design, construction, and reconstruction activities; and

(3) to address the deferred road maintenance backlog at the Bureau of Indian Affairs.

(b) ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $14,600,000, to remain available until September 30, 2026, for the administrative costs of carrying out this section.

Subtitle B—National Oceanic and Atmospheric Administration

SEC. 70201. INVESTING IN COASTAL COMMUNITIES AND CLIMATE RESILIENCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $6,000,000,000, to remain available until September 30, 2026, to provide funding through direct expenditure, contracts, grants, cooperative agreements, or technical assistance to coastal states (as defined in paragraph (4) of section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4))), the District of Columbia, Tribal Governments, nonprofit organizations, local governments, and institutions of higher education (as defined in subsection (a) of section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), for the conservation, restoration, and protection of coastal and marine habitats and resources, including fisheries, to enable coastal communities to prepare for extreme storms and other changing climate conditions, and for projects that support natural resources that sustain coastal and marine resource dependent communities, and for related administrative expenses. None of the funds provided by this section shall be subject to cost-sharing or matching requirements.

(b) TRIBAL GOVERNMENT DEFINED.—In this section, the term ''Tribal Government'' means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this subsection pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

SEC. 70202. PACIFIC SALMON RESTORATION AND CONSERVATION.

In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2026, for the purposes of supporting the restoration and conservation of Pacific salmon and steelhead populations and the habitat of those populations, including by improving climate resilience and climate adaptation, and for related administrative expenses.

SEC. 70203. MARINE FISHERIES INFRASTRUCTURE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $400,000,000, to remain available until September 30, 2026, for grants to States and Tribal Governments, to repair, replace, and upgrade hatchery infrastructure for the production of a fishery (as defined in paragraph (13) of section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(13))) that is included in a fishery management plan or plan amendment approved by the Secretary of Commerce under subsection (a) of section 301 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851(a)), and for related administrative expenses.

(b) TRIBAL GOVERNMENT.—In this section, the term ''Tribal Government'' means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this subsection pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

SEC. 70204. MARINE FISHERIES AND MARINE MAMMAL STOCK ASSESSMENTS, SURVEYS, AND RESEARCH AND MANAGEMENT.

In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2026, for purposes of Federal fisheries management, marine fisheries conservation, and marine mammal research, including fisheries and marine mammal stock assessments, marine fisheries data collection, surveys, scientific research, and management, acquisition of electronic monitoring equipment for fishery participants, transitional gear research, and ecosystem-based assessments in support of marine fish species, including fisheries managed under section 303 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853) and subsection (a) of section 117 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1386(a)).

SEC. 70205. FACILITIES OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND NATIONAL MARINE SANCTUARIES.

(a) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FACILITIES.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $300,000,000, to remain available until September 30, 2026, for the construction of new facilities (including facilities in need of replacement) including piers, marine operations facilities, and fisheries laboratories.

(b) NATIONAL MARINE SANCTUARIES FACILITIES.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for the construction of facilities to support the National Marine Sanctuary System established under subsection (c) of section 301 of the National Marine Sanctuaries Act (16 U.S.C. 1431(c)).

SEC. 70206. NOAA EFFICIENT AND EFFECTIVE REVIEWS.

In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2026, to provide for the development of more efficient, accurate, and timely reviews for planning, permitting and approval processes through the hiring and training of personnel, the development of programmatic documents, the procurement of technical or scientific services for reviews, the development of environmental data or information systems, stakeholder and community engagement, the purchase of new equipment for environmental analysis, and the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

SEC. 70207. SEAFOOD IMPORT MONITORING PROGRAM.

In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000, to remain available until September 30, 2026, to implement the seafood import monitoring program of the National Oceanic and Atmospheric Administration.

Subtitle C—United States Fish and Wildlife Service

SEC. 70301. ENDANGERED SPECIES ACT RECOVERY PLANS.

In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $180,000,000, to remain available until expended, for the purposes of developing and implementing recovery plans under paragraphs (1), (3), and (4) of subsection (f) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)).

SEC. 70302. ISLAND PLANT CONSERVATION.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,850,000, to remain available until expended, to make direct expenditures, award grants, and enter into contracts and cooperative agreements for the purposes of conserving endangered species and threatened species of plants in the Hawaiian Islands and the Pacific Island Territories of the United States under paragraphs (1), (3), and (4) of subsection (f) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)).

(b) ADMINISTRATIVE EXPENSES.—In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000, to remain available until September 30, 2030, for necessary administrative expenses associated with carrying out this section.

SEC. 70303. POLLINATOR CONSERVATION.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,850,000, to remain available until expended, to make direct expenditures, award grants, and enter into contracts and cooperative agreements for the purposes of conserving endangered species and threatened species of pollinators in the United States under paragraphs (1), (3), and (4) of subsection (f) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)).

(b) ADMINISTRATIVE EXPENSES.—In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000, to remain available until September 30, 2030, for necessary administrative expenses associated with carrying out this section.

SEC. 70304. MUSSEL CONSERVATION.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,850,000, to remain available until expended, to make direct expenditures, award grants, and enter into contracts and cooperative agreements for the purposes of conserving endangered species and threatened species of freshwater mussels in the United States under paragraphs (1), (3), and (4) of subsection (f) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)).

(b) ADMINISTRATIVE EXPENSES.—In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000, to remain available until September 30, 2030, for necessary administrative expenses associated with carrying out this section.

SEC. 70305. DESERT FISH CONSERVATION.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,850,000, to remain available until expended, to make direct expenditures, award grants, and enter into contracts and cooperative agreements for the purposes of conserving endangered species and threatened species of desert fish in the United States under paragraphs (1), (3), and (4) of subsection (f) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)).

(b) ADMINISTRATIVE EXPENSES.—In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000, to remain available until September 30, 2030, for necessary administrative expenses associated with carrying out this section.

SEC. 70306. FUNDING FOR THE UNITED STATES FISH AND WILDLIFE SERVICE TO ADDRESS CLIMATE-INDUCED WEATHER EVENTS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $242,500,000, to remain available until September 30, 2026, to make direct expenditures, award grants, and enter into contracts and cooperative agreements for the purposes of rebuilding and restoring units of the National Wildlife Refuge System and State wildlife management areas, including by—

(1) addressing the threat of invasive species;

(2) increasing the resiliency and capacity of habitats and infrastructure to withstand climate-induced weather events; and

(3) reducing the amount of damage caused by climate-induced weather events.

(b) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $7,500,000, to remain available until September 30, 2026, for necessary administrative expenses associated with carrying out this section.

SEC. 70307. WILDLIFE CORRIDOR CONSERVATION.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the

United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $9,700,000, to remain available until expended, to carry out, through direct expenditures, contracts, grants, and cooperative agreements, activities necessary for—

(1) mapping wildlife corridors;

(2) the conservation and restoration of wildlife corridors; and

(3) addressing the conservation and restoration of wildlife corridors—

(A) on land included in the National Wildlife Refuge System; and

(B) on private land through—

(i) the Partners for Fish and Wildlife Program of the United States Fish and Wildlife Service; and

(ii) the Coastal Program of the United States Fish and Wildlife Service.

(b) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $300,000, to remain available until September 30, 2030, for necessary administrative expenses associated with carrying out this section.

SEC. 70308. GRASSLAND RESTORATION.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $38,800,000, to remain available until expended to make direct expenditures, award grants, and enter into contracts and cooperative agreements for carrying out the protection and restoration of grassland habitats.

(b) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,200,000, to remain available until September 30, 2030, for necessary administrative expenses associated with carrying out this section.

Subtitle D—Water Resources Research and Technology Institutes

SEC. 70401. WATER RESOURCES RESEARCH AND TECHNOLOGY INSTITUTES.

In addition to amounts otherwise available, there is appropriated to the United States Geological Survey for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2031, for grants and other financial assistance to water resources research and technology institutes, centers, and equivalent agencies.

Subtitle E—Council on Environmental Quality

SEC. 70501. ENVIRONMENTAL AND CLIMATE DATA COLLECTION.

In addition to amounts otherwise available, there is appropriated to the Chair of the Council on Environmental Quality for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $65,000,000, to remain available until September 30, 2026—

(1) to support data collection efforts relating to—

(A) disproportionate negative environmental harms and climate impacts; and

(B) cumulative impacts of pollution and temperature rise;

(2) to establish, expand, and maintain efforts to track disproportionate burdens and cumulative impacts, including academic and workforce support for analytics and informatics infrastructure and data collection systems; and

(3) to support efforts to ensure that any mapping or screening tool is accessible to community-based organizations and community members.

SEC. 70502. COUNCIL ON ENVIRONMENTAL QUALITY EFFICIENT AND EFFECTIVE ENVIRONMENTAL REVIEWS.

In addition to amounts otherwise available, there is appropriated to the Chair of the Council on Environmental Quality for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2026, to carry out the Council on Environmental Quality's functions and for the purposes of training personnel, developing programmatic environmental documents, and developing tools, guidance, and techniques to improve stakeholder and community engagement.

Subtitle F—Department of the Interior Efficient and Effective Reviews

SEC. 70601. DEPARTMENT OF THE INTERIOR EFFICIENT AND EFFECTIVE REVIEWS.

In addition to amounts otherwise available, there is appropriated to the Department of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, to provide for the development of more efficient, accurate, and timely reviews for planning, permitting, and approval processes for the National Park Service, the Bureau of Land Management, the Bureau of Ocean Energy Management, the Bureau of Reclamation, the Bureau of Safety and Environmental Enforcement, and the Office of Surface Mining Reclamation and Enforcement through the hiring and training of personnel, the development of programmatic documents, the procurement of technical or scientific services for reviews, the development of environmental data or information systems, stakeholder and community engagement, the purchase of new equipment for environmental analysis, and the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

Subtitle G—Public Lands

SEC. 70701. NATIONAL PARKS AND PUBLIC LANDS CONSERVATION AND RESILIENCE.

In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,250,000,000, to remain available until September 30, 2031, to carry out projects for the conservation, protection, and resiliency of lands and resources administered by the National Park Service and Bureau of Land Management. None of the funds provided under this section shall be subject to cost-share or matching requirements.

SEC. 70702. NATIONAL PARKS AND PUBLIC LANDS CONSERVATION AND ECOSYSTEM RESTORATION.

In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $750,000,000, to remain available until September 30, 2031, to carry out conservation, ecosystem and habitat restoration projects on lands administered by the National Park Service and Bureau of Land Management. None of the funds provided under this section shall be subject to cost-share or matching requirements.

SEC. 70703. LANDS PROJECTS.

(a) DEFINITIONS.—With regard to this section:

(1) APPROPRIATE CONSERVATION PROJECTS.—The term ''appropriate conservation projects'' means any project for the conservation, restoration, construction, or rehabilitation of natural, cultural, historic, archaeological, recreational, or scenic resources on public lands administered by the National Park Service or Bureau of Land Management.

(2) RESILIENCY OR RESTORATION PROJECTS.—The term ''restoration or resiliency projects'' means any project funded under sections 70701 and 70702.

(b) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2031, to provide funding, including all expenses necessary to provide funding, through direct expenditure, grants, contracts, or cooperative agreements, to perform appropriate conservation projects or resiliency or restoration projects, including all expenses necessary to carry out such projects, on public lands administered by the National Park Service and Bureau of Land Management. None of the funds provided under this section shall be subject to cost-share or matching requirements.

SEC. 70704. WILDFIRE MANAGEMENT.

In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2031, for wildland fire management by the Bureau of Land Management or National Park Service, including improvement, relocation, renovation, or construction of firefighting facilities; reduction of wildfire hazards to communities through fuels projects within the wildland-urban interface; burned area rehabilitation; rural fire assistance; for salaries and expenses for wildland firefighters; wildfire-related information technology and geospatial analysis; deployment of remote sensing technologies; wildfire science and research, including fireshed mapping; and, through the Office of Aviation Services, purchase, lease or contract of fixed-wing aircraft, and the assessment and deployment of technologies to limit disruptions to firefighting operations at night, in a degraded visual environment, and by unauthorized unmanned aircraft system, including the feasibility of optionally-piloted rotor-wing aircraft and containerized retardant-delivery systems.

SEC. 70705. NATIONAL PARK SERVICE DEFERRED MAINTENANCE AND DEPARTMENT OF THE INTERIOR HOUSING.

In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $400,000,000, to remain available until September 30, 2026, for carrying out priority deferred maintenance projects, which may include resolving directly-related infrastructure deficiencies, including through direct expenditures or transfer authority, within the boundaries of the National Park System and to provide housing, including expenses necessary to provide housing, for—

(1) field employees of the National Park Service pursuant to subchapter III of chapter 1013 of title 54, United States Code;

(2) field employees of the Bureau of Land Management in a manner similar to the provision of housing under paragraph (1); and

(3) participants in corps programs performing appropriate conservation projects or resiliency and restoration projects under grants, contracts, or cooperative agreements with the National Park Service or the Bureau of Land Management in a manner similar to the provision of housing under paragraph (1).

SEC. 70706. URBAN PARKS.

In addition to amounts otherwise available, there is appropriated to the Director of the National Park Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, to carry out direct, competitive grants to localities for acquisition of land or interests in land, or for development of recreation facilities to create or significantly enhance access to parks or outdoor recreation in urban areas, subject to the conditions that no property acquired or developed with funding under this section shall be converted to uses other than public outdoor recreation without the approval

of the Secretary. Such approval shall require assurances as the Secretary considers necessary to ensure the substitution of other recreational properties of equivalent or greater fair market value and of equivalent usefulness and accessibility.

SEC. 70707. HISTORIC PRESERVATION.

In addition to amounts otherwise available, there is appropriated to the Director of the National Park Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until September 30, 2026, to provide funding through direct expenditure, contracts, grants, cooperative agreements, or technical assistance to States, Indian Tribes, the District of Columbia, and Territories to carry out preservation or historic preservation as defined by section 300315 of title 54, United States Code.

SEC. 70708. NATIONAL HERITAGE AREAS.

In addition to amounts otherwise available, there is appropriated to the Director of the National Park Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2026, to carry out funding for National Heritage Area Partnerships, including funding in fiscal year 2022 for any national heritage area, national heritage corridor, cultural heritage corridor, national heritage partnership, national heritage canalway, national heritage route, and battlefields national historic district authorized to receive Federal funds as of September 1, 2021.

SEC. 70709. WITHDRAWALS.

The Secretary of the Interior shall, on or before June 30, 2024, withdraw, permanently or for a set term and subject to valid existing rights, lands or interest in lands administered by the Bureau of Land Management from entry, appropriation, disposal, location, leasing, permitting, and patent. Withdrawals made under this section shall result in an aggregate reduction of receipts payable to the Treasury between the date of the enactment of this section and the end of fiscal year 2031 of $10,000,000.

SEC. 70710. NATIONAL PARK SERVICE EMPLOYEES.

In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available through September 30, 2030, to hire employees in units of the National Park System.

Subtitle H—Drought Response and Preparedness

SEC. 70801. BUREAU OF RECLAMATION DOMESTIC WATER SUPPLY PROJECTS.

(a) FUNDING FOR DOMESTIC WATER SUPPLY PROJECTS.—In addition to amounts otherwise available, there is appropriated to the Commissioner of the Bureau of Reclamation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $550,000,000, to remain available until expended, for grants, contracts, or financial assistance agreements for disadvantaged communities (identified according to criteria adopted by the Commissioner) in a manner as determined by the Commissioner for up to 100 percent of the cost of the planning, design, or construction of water projects the primary purpose of which is to provide domestic water supplies to communities or households that do not have reliable access to domestic water supplies in a State or territory described in the first section of the Act of June 17, 1902 (43 U.S.C. 391; 32 Stat. 388, chapter 1093).

(b) ADDITIONAL FUNDING.—In addition to amounts otherwise available, there is appropriated to the Commissioner of the Bureau of Reclamation for fiscal year 2032 and each fiscal year thereafter, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until expended, for grants, contracts, or financial assistance agreements for disadvantaged communities (identified according to criteria adopted by the Commissioner) in a manner as determined by the Commissioner for up to 100 percent of the cost of the planning, design, or construction of water projects the primary purpose of which is to provide domestic water supplies to communities or households that do not have reliable access to domestic water supplies in a United States territory or a Western State (as described in item (6) of section 3002 of the Western Water Policy Review Act of 1992).

SEC. 70802. LARGE SCALE WATER REUSE.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a State, Indian Tribe, municipality, irrigation district, water district, wastewater district, or other organization with water or power delivery authority;

(B) a State, regional, or local authority, the members of which include 1 or more organizations with water or power delivery authority; or

(C) an agency established under State law for the joint exercise of powers or a combination of entities described in subparagraphs (A) and (B).

(2) RECLAMATION STATE.—The term ''Reclamation State'' means a State or territory described in the first section of the Act of June 17, 1902 (32 Stat. 388, chapter 1093; 43 U.S.C. 391).

(b) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Bureau of Reclamation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2031, to provide nonreimbursable grants on a competitive basis to eligible entities that shall not exceed 25 percent of the total cost of an eligible project unless the project advances at least a proportionate share of authorized nonreimbursable benefits (including benefits provided through measurable reductions in water diversions from a river basin that is associated with or affected by, or located within the same river basin as a Federal reclamation project) up to a maximum 75 percent of the total costs of an eligible project, to carry out the planning, design, and construction of projects to reclaim and reuse municipal, industrial, domestic, or agricultural wastewater or impaired ground or surface waters that have a total estimated cost of more than $500,000,000 and that provide benefits to drought stricken regions within the Reclamation States for the purposes of—

(1) helping to advance water management plans across a multi-state area, such as drought contingency plans in the Colorado River Basin; and

(2) providing multiple benefits, including water supply reliability benefits for drought-stricken States, Indian Tribes, and communities, and benefits from measurable reductions in water diversions.

The Bureau of Reclamation shall not impose a total dollar cap on Federal contributions that applies to all individual projects funded under this section. An eligible project shall not be considered ineligible for assistance under this section because the project has received assistance authorized under title XVI of Public Law 102–575 or section 4009 of Public Law 114–322. The Bureau of Reclamation shall consider the planning, design, and construction of an eligible project's conveyance system to be eligible for grant funding under this section.

SEC. 70803. ADDRESSING REDUCED WATER AVAILABILITY FOR INLAND WATER BODIES.

In addition to amounts otherwise available, there is appropriated to the Bureau of Reclamation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2031, to provide grants and enter into contracts and cooperative agreements to carry out projects to mitigate the impact of reduced water inflows into inland water bodies associated with, affected by, or located within the same river basin as a Bureau of Reclamation water project, to cover up to 50 percent of the total cost of the project, in partnership with a State, Indian Tribe, municipality, irrigation district, water district, wastewater district, nonprofit organization, institution of higher learning, or an agency established under State law for the joint exercise of powers.

SEC. 70804. CANAL REPAIR AND IMPROVEMENT PROJECTS.

(a) CONVEYANCE REPAIRS.—In addition to amounts otherwise available, there is appropriated to the Bureau of Reclamation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until September 30, 2031, to provide nonreimbursable grants in a manner as determined by the Secretary of the Interior (in this section referred to as the ''Secretary'') on a competitive basis to eligible entities that in aggregate shall not exceed 33 percent of the total cost of an eligible project to carry out the planning, design, and construction of projects to make major, non-recurring maintenance repairs to water conveyance facilities that do not enlarge the carrying capacity of a conveyance facility beyond the capacity as previously constructed for conveyance facilities in need of emergency capacity restoration due to subsidence and experiencing exceptional drought for the purposes of increasing drought resiliency, primarily through groundwater recharge.

(b) SOLAR CANAL INTEGRATION.—In addition to amounts otherwise available, there is appropriated to the Bureau of Reclamation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until September 30, 2031, for the design, study, and implementation of projects (including pilot and demonstration projects) to cover conveyance facilities receiving grants under subsection (a) with solar panels to generate renewable energy in a manner as determined by the Secretary or for other solar projects associated with Bureau of Reclamation projects that increase water efficiency and assist in implementation of clean energy goals.

Subtitle I—Insular Affairs

SEC. 70901. INSULAR AFFAIRS CRITICAL INFRASTRUCTURE FUNDING.

In addition to amounts otherwise available, there is appropriated to the Department of the Interior Office of Insular Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2026, for critical infrastructure in the territories. Amounts made available under this section shall be distributed under section 701 of the Covenant approved under Public Law 94–241 in the manner provided under the heading ''ASSISTANCE TO TERRITORIES'' in title I of the Department of the Interior and Related Agencies Appropriations Act, 1996, as enacted by Public Law 104-134 (110 Stat. 1321-173).

SEC. 70902. OFFICE OF INSULAR AFFAIRS CLIMATE CHANGE TECHNICAL ASSISTANCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Department of the Interior Office of Insular Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $29,100,000, to remain available until September 30, 2026, to provide technical assistance for climate change planning, mitigation, adaptation, and resilience to United States Insular Areas under the Office of Insular Affairs.

(b) ADMINISTRATIVE EXPENSES.—In addition to amounts otherwise available, there is appropriated to the Department of the Interior Office of Insular Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $900,000, to remain available until September 30, 2026, for necessary administrative expenses associated with carrying out this section.

SEC. 70903. DEFINITIONS.

For the purposes of this subtitle:

(1) TERRITORIES.—The term ''territories'' means American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands of the United States.

(2) UNITED STATES INSULAR AREAS.—The term ''United States Insular Areas'' means American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the Virgin Islands of the United States.

Subtitle J—Offshore Wind

SEC. 71001. RENEWABLE ENERGY LEASING ON THE OUTER CONTINENTAL SHELF.

The Secretary of the Interior shall grant leases, easements, and rights-of-way, to produce or support production, transportation, or transmission of electricity from renewable energy facilities on the Outer Continental Shelf in the areas identified on the map entitled ''Outer Continental Shelf Lower 48 States Planning Areas'' and dated October 18, 2021, as the Mid Atlantic Planning Area, the South Atlantic Planning Area, the Straits of Florida Planning Area, and the Eastern Gulf of Mexico Planning Area.

SEC. 71002. OFFSHORE WIND FOR THE TERRITORIES.

The Secretary of the Interior shall grant leases, easements, and rights-of-way to produce or support production, transportation, or transmission of electricity from renewable energy facilities in submerged lands seaward from the coastline of Puerto Rico, Guam, American Samoa, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control. The Secretary of the Interior shall conduct wind lease sales in said submerged lands if the Secretary of the Interior has determined that a wind lease sale is feasible and issued a call for information and nominations, determined there is sufficient interest in leasing the area, and consulted with the Governor of the territory regarding the suitability of the area for wind energy development.

Subtitle K—Preventing Damage From Mining

SEC. 71101. FUNDING TO PREVENT DAMAGE FROM MINING.

In addition to amounts otherwise available, there is appropriated to the Bureau of Land Management for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, to revise rules and regulations to prevent undue degradation of public lands due to hardrock mining activities.

Subtitle L—Arctic National Wildlife Refuge

SEC. 71201. REPEAL OF THE ARCTIC NATIONAL WILDLIFE REFUGE OIL AND GAS PROGRAM.

Section 20001 of Public Law 115–97 is repealed and any leases issued pursuant to section 20001 of Public Law 115–97 are hereby cancelled and all payments related to the leases shall be returned to the lessee(s) within 30 days of enactment of this section.

Subtitle M—Outer Continental Shelf Oil and Gas Leasing

SEC. 71301. PROTECTION OF THE EASTERN GULF, ATLANTIC, AND PACIFIC COASTS.

The Secretary of the Interior may not issue a lease or any other authorization for the exploration, development, or production of oil or natural gas in any of the planning areas on the Outer Continental Shelf in the Pacific Region Planning Areas, in the Atlantic Region Planning Areas, or in the Eastern Gulf of Mexico Planning Area identified on the map entitled ''Outer Continental Shelf Lower 48 States Planning Areas'' and dated October 18, 2021.

Subtitle N—Fossil Fuel Resources

SEC. 71401. ONSHORE FOSSIL FUEL ROYALTY RATES.

All new onshore oil and gas leases issued by the Secretary of the Interior shall be conditioned upon the payment of a royalty at a rate of 18.75 percent in amount or value of the production from the lease. Before a terminated or cancelled oil or gas lease may be reinstated by the Secretary of the Interior, back royalties must be paid, and future royalties shall be at a rate of 25 percent in amount or value of the production from the lease.

SEC. 71402. OFFSHORE OIL AND GAS ROYALTY RATE.

All new offshore oil and gas leases on submerged lands of the outer Continental Shelf granted by the Secretary of the Interior shall be conditioned upon the payment of a royalty at a rate of not less than 14 percent in amount or value of the production from the lease.

SEC. 71403. OIL AND GAS MINIMUM BID.

The onshore minimum acceptable bid charged by the Secretary of the Interior shall be $10 per acre on Federal lands in the contiguous United States authorized to be leased by the Secretary for production of oil and gas. The Secretary of the Interior shall by regulation, at least once every 4 years, adjust the dollar amount to reflect the change in inflation.

SEC. 71404. DEFERRED COAL BONUS PAYMENTS.

The Secretary of the Interior may not offer Federal coal leases under a system of deferred bonus payment.

SEC. 71405. FOSSIL FUEL RENTAL RATES.

The Secretary of the Interior shall require all onshore oil and gas leases in the contiguous United States to be conditioned upon payment by the lessee of a rental of $3 per acre per year during the 2-year period beginning on the date the lease begins for new leases, and after the end of such two-year period $5 per acre per year. The Secretary of the Interior shall by regulation, at least once every 4 years, adjust the dollar amounts to reflect the change in inflation. A terminated onshore oil and gas lease may not be reinstated without the payment of back rentals and a requirement that future rentals be at a rate of $20 per acre per year.

SEC. 71406. FOSSIL FUEL LEASE TERM LENGTH.

(a) A new coal lease issued by the Secretary of the Interior shall be for a term of ten years. Any lease which is not producing in commercial quantities at the end of 5 years shall be terminated. The aggregate number of years during the period of any lease for which advance royalties may be accepted in lieu of the condition of continued operation shall not exceed 10 years.

(b) Leases for exploration for and development of oil or gas in the contiguous United States issued by the Secretary of the Interior shall be for a primary term of 5 years.

SEC. 71407. EXPRESSION OF INTEREST FEE.

(a) IN GENERAL.—The Secretary of the Interior shall charge any person who submits an expression of interest in leasing land in the contiguous United States available for disposition for exploration and development of oil or gas a fee in an amount determined by the Secretary of the Interior under subsection (b).

(b) AMOUNT.—The fee authorized under subsection (a) shall be established by the Secretary of the Interior in an amount that is determined by the Secretary of the Interior to be appropriate to cover the aggregate cost of processing an expression of interest under this section, but not less than $15 per acre and not more than $50 per acre of the area covered by the applicable expression of interest.

(c) ADJUSTMENT OF FEE.—The Secretary of the Interior shall, by regulation at least every 4 years, establish a higher expression of interest fee to reflect the change in inflation.

SEC. 71408. ELIMINATION OF NONCOMPETITIVE LEASING.

The Secretary of the Interior may not issue an oil or gas lease noncompetitively. Land made available by the Secretary of the Interior for oil and gas leasing for which no bid is accepted or received, or the land for which a lease terminates, expires, is cancelled, or is relinquished, may only be made available by the Secretary of the Interior for a new round of sealed, competitive bidding.

SEC. 71409. OIL AND GAS BONDING REQUIREMENTS.

Not later than 18 months after the date of enactment of this subtitle, the Secretary of the Interior shall publish a final rule in the Federal Register requiring that an adequate bond, surety, or other financial arrangement be provided by an oil or gas lessee prior to the commencement of surface-disturbing activities on an onshore oil and gas lease issued by the Secretary to ensure the complete and timely restoration and reclamation of any land, water, range, or other environmental resources adversely affected by lease activities or operations after the abandonment or cessation of oil and gas operations on the lease. The Secretary of the Interior shall find that a bond, surety or other financial arrangement required by rule or regulation is inadequate if it is for less than the complete and timely reclamation of the least tract, the restoration of any lands or surface waters adversely affected by lease operations, and, in the case of an idled well, the total plugging and reclamation costs for each idled well controlled by the same operator.

SEC. 71410. PER-ACRE LEASE FEES.

(a) OIL AND GAS LEASE FEES.—The Secretary of the Interior shall charge onshore and offshore oil and gas leaseholders the following annual, non-refundable fees:

(1) CONSERVATION OF RESOURCES FEE.—There is established a Conservation of Resources Fee of $4 per acre per year on new producing Federal onshore and offshore oil and gas leases.

(2) SPECULATIVE LEASING FEE.—There is established a Speculative Leasing Fee of $6 per acre per year on new nonproducing Federal onshore and offshore oil and gas leases.

(b) DEPOSIT.—All funds collected pursuant to subsection (a) shall be deposited into the United States Treasury General Fund.

(c) ADJUSTMENT FOR INFLATION.—The Secretary of the Interior shall, by regulation at least once every four years, adjust each fee created by subsection (a) to reflect any increase in inflation.

SEC. 71411. OFFSHORE OIL AND GAS INSPECTION FEES.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The Secretary of the Interior shall collect inspection fees from the operators of oil and gas facilities on the outer continental shelf subject to any environmental or safety regulation to prevent or ameliorate blowouts, fires, spills, spillages, or major accidents—

(A) at an aggregate level to offset the annual expenses of such inspections; and

(B) using a schedule that reflect the differences in complexity among the classes of facilities to be inspected.

(2) ADJUSTMENT FOR INFLATION.—For each fiscal year beginning after fiscal year 2022, the Secretary of the Interior shall adjust the amount of the fees collected under this section for inflation.

(3) FEES FOR FISCAL YEAR 2022.—

(A) ANNUAL FEES.—For fiscal year 2022, the Secretary of the Interior shall collect annual fees from the operator of facilities that are above the waterline, excluding drilling rigs, and are in place at the start of the fiscal year in the following amounts:

(i) $11,725 for facilities with no wells, but with processing equipment or gathering lines.

(ii) $18,984 for facilities with 1 to 10 wells, with any combination of active or inactive wells.

(iii) $35,176 for facilities with more than 10 wells, with any combination of active or inactive wells.

(B) FEES FOR DRILLING RIGS.—For fiscal year 2022, the Secretary of the Interior shall collect fees for each inspection from the operators of drilling rigs in the following amounts:

(i) $34,059 per inspection for rigs operating in water depths of 500 feet or more.

(ii) $18,649 per inspection for rigs operating in water depths of less than 500 feet.

(C) FEES FOR NON-RIG UNITS.—For fiscal year 2022, the Secretary of the Interior shall collect fees for each inspection from the operators of well operations conducted via non-rig units in the following amounts:

(i) $13,260 per inspection for non-rig units operating in water depths of 2,500 feet or more.

(ii) $11,530 per inspection for non-rig units operating in water depths between 500 and 2,499 feet.

(iii) $4,470 per inspection for non-rig units operating in water depths of less than 500 feet.

(b) DISPOSITION.—Amounts collected as fees under subsection (a) shall be deposited into the general fund of the Treasury.

(c) BILLING.—

(1) ANNUAL FEES.—The Secretary of the Interior shall bill designated operators under subsection (a)(3)(A) annually, with payment required not later than 30 days after such billing.

(2) FEES FOR DRILLING RIGS.—The Secretary of the Interior shall bill designated operators under subsection (a)(3)(B) not later than 30 days after the end of the month in which the inspection occurred, with payment required not later than 30 days after such billing.

SEC. 71412. ONSHORE OIL AND GAS INSPECTION FEES.

(a) IN GENERAL.—The designated operator under each oil and gas lease on Federal land or each unit and communitization agreement that includes one or more such Federal leases that is subject to inspection and that is in force at the start of the fiscal year 2021, shall pay a nonrefundable annual inspection fee in an amount that, except as provided in subsection (b), is established by the Secretary of the Interior by regulation and is sufficient to recover the full costs incurred by the United States for inspection and enforcement with respect to such leases.

(b) AMOUNT.—Until the effective date of regulations under subsection (a)—

(1) the amount of the fee for all States shall be $1,000 for each lease, unit, or communitization agreement; and

(2) the Secretary of the Interior may increase the fees based upon the actual costs incurred for inspections.

(c) ASSESSMENT FOR FISCAL YEAR 2022.—For fiscal year 2022, the Secretary of the Interior shall assess the fee described under this section at $1,000 for each lease, unit, or communitization agreement, and shall provide notice of such assessment to each designated operator who is liable for such fee, by not later than 60 days after the date of enactment of this section.

SEC. 71413. SEVERANCE FEES.

The Secretary of the Interior shall collect annual, non-refundable fees on fossil fuels produced from new leases on Federal lands and the Outer Continental Shelf and deposit the funds into the United States Treasury General Fund. Such fees shall be—

(1) $0.50 per barrel of oil equivalent on oil and natural gas produced from Federal lands and the Outer Continental Shelf; and

(2) $2 per metric ton of coal produced from Federal lands.

SEC. 71414. IDLED WELL FEES.

(a) IN GENERAL.—The Secretary of the Interior shall, not later than 180 days after the date of enactment of this section, issue regulations to require each operator of an idled well on Federal land and the Outer Continental Shelf to pay an annual, nonrefundable fee for each such idled well in accordance with this subsection.

(b) AMOUNTS.—Except as provided in subsection (d), the amount of the fee shall be as follows:

(1) $500 for each well that has been considered an idled well for at least 1 year, but not more than 5 years.

(2) $1,500 for each well that has been considered an idled well for at least 5 years, but not more than 10 years.

(3) $3,500 for each well that has been considered an idled well for at least 10 years, but not more than 15 years.

(4) $7,500 for each well that has been considered an idled well for at least 15 years.

(c) DUE DATE.—An owner of an idled well that is required to pay a fee under this section shall submit to the Secretary of the Interior such fee by not later than October 1 of each year.

(d) ADJUSTMENT FOR INFLATION.—The Secretary of the Interior shall, by regulation not less than once every 4 years, adjust each fee under this section to account for inflation.

(e) DEPOSIT.—All funds collected pursuant to subsection (a) shall be deposited into the United States Treasury General Fund.

(f) IDLED WELL DEFINITION.—For the purposes of this section, the term ''idled well'' means a well that has been non-operational for at least two consecutive years and for which there is no anticipated beneficial future use.

SEC. 71415. ANNUAL PIPELINE OWNERS FEE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Bureau of Safety and Environmental Enforcement shall issue regulations to assess an annual fee on owners of existing and new offshore oil and gas pipelines defined as ''DOI pipelines'' under 30 C.F.R. 250.1001. No portion of such fee that is passed on to a lessee may be deducted as part of a lessee's transportation allowance when calculating royalties due to the United States.

(b) AMOUNTS.—Fees established under this paragraph shall be—

(1) $10,000 per mile for pipelines in water with a depth of 500 feet or greater; and

(2) $1,000 per mile for pipelines in water depth of under 500 feet.

SEC. 71416. ROYALTIES ON ALL EXTRACTED METHANE.

(a) IN GENERAL.—Except as provided in subsection (b), royalties paid for gas produced from Federal lands and on the Outer Continental Shelf shall be assessed on all gas produced, including—

(1) gas used or consumed within the area of the lease tract for the benefit of the lease; and

(2) all gas that is consumed or lost by venting, flaring, or fugitive releases through any equipment during upstream operations.

(b) EXCEPTION.—Subsection (a) shall not apply with respect to gas vented or flared for not longer than 48 hours in an acute emergency situation that poses a danger to human health.

SEC. 71417. ELIMINATION OF ROYALTY RELIEF.

(a) LIMITATION ON AUTHORITY.—The Secretary of the Interior may not reduce, eliminate, or suspend royalties or net profit share for any oil and gas leases on the Outer Continental Shelf. Royalty relief may not be permitted on any future oil and gas leases on the Outer Continental Shelf.

(b) REPEAL.—Section 39 of the Mineral Leasing Act (30 U.S.C. 209) is repealed.

Subtitle O—United States Geological Survey

SEC. 71501. UNITED STATES GEOLOGICAL SURVEY 3D ELEVATION PROGRAM.

In addition to amounts otherwise available, there is appropriated to the Director of the United States Geological Survey for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $47,000,000, to remain available until September 30, 2031, to produce, collect, disseminate, and use 3D elevation data.

SEC. 71502. CLIMATE ADAPTATION SCIENCE CENTERS.

In addition to amounts otherwise available, there is appropriated to the United States Geological Survey for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2031, for the Regional and National Climate Adaptation Science Centers to provide localized information to help communities respond to climate change.

TITLE VIII—COMMITTEE ON OVERSIGHT AND REFORM

SEC. 80001. GENERAL SERVICES ADMINISTRATION CLEAN FLEETS.

In addition to amounts otherwise available, there is appropriated to the Administrator of General Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,995,000,000, to remain available until September 30, 2026, for the procurement of zero-emission and electric vehicles and related costs.

SEC. 80002. FUNDING FOR GENERAL SERVICES ADMINISTRATION OFFICE OF INSPECTOR GENERAL.

In addition to amounts otherwise available, there is appropriated to the Office of Inspector General of the General Services Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, to support oversight of General Services Administration activities implemented pursuant to this Act.

SEC. 80003. UNITED STATES POSTAL SERVICE CLEAN FLEETS.

In addition to amounts otherwise available, there is appropriated to the United States Postal Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, the following amounts, to be deposited into the Postal Service Fund established under section 2003 of title 39, United States Code:

(1) $2,573,550,000, to remain available through September 30, 2031, for the purchase of electric delivery vehicles.

(2) $3,411,450,000, to remain available through September 30, 2031, for the purchase, design, and installation of the requisite infrastructure to support electric delivery vehicles at facilities that the United States Postal Service owns or leases from non-Federal entities.

SEC. 80004. UNITED STATES POSTAL SERVICE OFFICE OF INSPECTOR GENERAL.

In addition to amounts otherwise available, there is appropriated to the Office of Inspector General of the United States Postal Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available through September 30, 2031, to support oversight of United States Postal Service activities implemented pursuant to this Act.

SEC. 80005. GOVERNMENT ACCOUNTABILITY OFFICE OVERSIGHT.

In addition to amounts otherwise available, there is appropriated to the Comptroller General of the United States for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until September 30, 2031, for necessary expenses of the Government Accountability Office to support the oversight of—

(1) the distribution and use of funds appropriated under this Act; and

(2) whether the economic, social, and environmental impacts of the funds described in paragraph (1) are equitable.

SEC. 80006. OFFICE OF MANAGEMENT AND BUDGET OVERSIGHT.

In addition to amounts otherwise available, there are appropriated to the Director of the Office of Management and Budget for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until September 30, 2026, for necessary expenses to—

(1) support the implementation of this Act; and

(2) track labor, equity, and environmental standards and performance.

SEC. 80007. GENERAL SERVICES ADMINISTRATION EMERGING TECHNOLOGIES.

In addition to amounts otherwise available, there is appropriated to the Administrator of General Services for fiscal year 2022, out of any

money in the Treasury not otherwise appropriated, $975,000,000, to remain available until September 30, 2026, for emerging and sustainable technologies, and related sustainability and environmental programs.

SEC. 80008. GENERAL SERVICES ADMINISTRATION PROCUREMENT AND TECHNOLOGY.

In addition to amounts otherwise available, there is appropriated to the Administrator of General Services for fiscal year 2022 out of any money in the Treasury not otherwise appropriated, $3,250,000,000, to remain available until September 30, 2026, for the purchase of goods, services, and systems to improve energy efficiency, promote the purchase of lower-carbon materials, and reduce the carbon footprint.

SEC. 80009. TECHNOLOGY MODERNIZATION FUND.

In addition to amounts otherwise available, there is appropriated to the Administrator of General Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2026, to carry out the purposes of the Technology Modernization Fund.

SEC. 80010. FEDERAL CITIZENS SERVICES FUND.

In addition to amounts otherwise available, there is appropriated to the Administrator of General Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available until September 30, 2026, to carry out the purposes of the Federal Citizen Services Fund.

SEC. 80011. INFORMATION TECHNOLOGY OVERSIGHT AND REFORM FUND.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2026, $50,000,000 for the Information Technology Oversight and Reform Fund.

TITLE IX—COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

SEC. 90001. DEPARTMENT OF ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES.

(a) OFFICE OF ENERGY EFFICIENCY AND RENEWABLE ENERGY.—In addition to amounts otherwise available, there is appropriated to the Department of Energy Office of Energy Efficiency and Renewable Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2026, to carry out demonstration projects, including demonstration of advanced—

(1) building technologies;
(2) solar energy technologies;
(3) geothermal energy technologies;
(4) wind energy technologies;
(5) water power technologies;
(6) bioenergy technologies; and
(7) vehicle technologies.

(b) OFFICE OF SCIENCE.—In addition to amounts otherwise available, there is appropriated to the Office of Science of the Department of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2026—

(1) $100,000,000 to carry out the low-dose radiation research program established under section 306(c) of the Department of Energy Research and Innovation Act (42 U.S.C. 18644(c)(1));

(2) $200,000,000 to carry out the fusion materials research and development program established under section 307(b) of the Department of Energy Research and Innovation Act (42 U.S.C. 18645(b));

(3) $200,000,000 to carry out the alternative and enabling fusion energy concepts program established under section 307(e) of the Department of Energy Research and Innovation Act (42 U.S.C. 18645(e));

(4) $325,000,000 to carry out the milestone-based fusion energy development program established under section 307(i) of the Department of Energy Research and Innovation Act (42 U.S.C. 18645(i));

(5) $140,000,000 to carry out the program of research and technology development in inertial fusion for energy applications established under section 307(d) of the Department of Energy Research and Innovation Act (42 U.S.C. 18645(d)); and

(6) $20,000,000 to carry out the fusion reactor system design activities authorized in section 307(j) of the Department of Energy Research and Innovation Act (42 U.S.C. 18645(j).

(c) OFFICE OF FOSSIL ENERGY AND CARBON MANAGEMENT.—In addition to amounts otherwise available, there is appropriated to the Department of Energy Office of Fossil Energy and Carbon Management for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2026, to carry out on-site demonstration projects on the reduction of environmental impacts of produced water.

(d) DIVERSITY SUPPORT.—In addition to amounts otherwise available, there is appropriated to the Department of Energy Office of Economic Impact and Diversity for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2026, to support programs across the Department's civilian research, development, demonstration, and commercial application activities.

SEC. 90002. AVAILABILITY OF HIGH-ASSAY LOW-ENRICHED URANIUM.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2026, $500,000,000 to carry out the program elements described in subparagraphs (D) through (H) of section 2001(a)(2) of the Energy Act of 2020 (42 U.S.C. 16281(a)(2)), and for related administrative expenses.

(b) COMPETITIVE PROCEDURES.—To the maximum extent practicable, the Department of Energy shall, in a manner consistent with section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16353), use a competitive, merit-based review process in carrying out research, development, demonstration, and deployment activities under section 2001 of the Energy Act of 2020 (42 U.S.C. 16281).

SEC. 90003. AIR QUALITY AND CLIMATE RESEARCH.

In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for air quality and climate research in support of research related to climate change mitigation, adaptation and resilience activities to help reduce the impacts of climate change on human health and welfare; the issuance of award grants for the collection of regional and local climate data to better estimate the economic impacts of climate change and support community-based responses to climate change to better anticipate, prepare for, adapt to, and recover from climate-driven extreme events; research on the impacts of climate change, and the cumulative impacts of pollution exposure, in low-income and disadvantaged communities.

SEC. 90004. PFAS REPLACEMENT ASSISTANCE TO FIREFIGHTERS GRANTS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $95,000,000, to remain available until September 30, 2030, to the Federal Emergency Management Agency for grants for personal protective firefighting equipment and firefighting foam that does not contain perfluoroalkyl or polyfluoroalkyl substances.

(b) PROGRAM ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2030, to the Federal Emergency Management Agency for the administration and management of this section.

(c) APPLICATIONS.—With respect to the grant program described in subsection (a), the Administrator of the Federal Emergency Management Agency shall—

(1) require eligible applicants to submit an application at such time, in such form, and containing such information and assurances as the Administrator of the Federal Emergency Management Agency may require; and

(2) establish appropriate review and delivery mechanisms for an application submitted under paragraph (1).

SEC. 90005. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION INFRASTRUCTURE.

In addition to amounts otherwise available, there are appropriated to the National Aeronautics and Space Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $748,000,000, to remain available until September 30, 2028, for repair, recapitalization, modification, modernization, and construction of physical infrastructure and facilities, including related administrative expenses, consistent with the responsibilities under sections 31502 and 31503 of title 51, United States Code.

SEC. 90006. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION CLIMATE RESEARCH AND DEVELOPMENT.

In addition to amounts otherwise available, there are appropriated to the National Aeronautics and Space Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2028—

(1) $85,000,000 for research and development on subseasonal to seasonal models and observations, climate resilience and sustainability, and for airborne instruments, campaigns, and surface networks to understand, observe, and mitigate climate change and its impacts, consistent with NASA's mission to expand human knowledge of the Earth, as carried out through programs under the Earth Science Division, and for research and development activities on upper atmospheric research, and for related administrative expenses;

(2) $30,000,000 for investments in data management and processing to support research, development, and applications to understand, observe, and mitigate climate change and its impacts, consistent with NASA's mission to expand human knowledge of the Earth, as carried out through programs under the Earth Science Division, and for related administrative expenses;

(3) $25,000,000 for research and development to support the wildfire fighting community and improve wildfire fighting operations through new and existing programs under the authority of the Administrator of the National Aeronautics and Space Administration, and for related administrative expenses; and

(4) $225,000,000 for aeronautics research and development on sustainable aviation, consistent with sections 40701 and 40702 of title 51, United States Code, and for related administrative expenses.

SEC. 90007. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION OFFICE OF INSPECTOR GENERAL.

In addition to amounts otherwise available, there are appropriated to the National Aeronautics and Space Administration for fiscal year 2022, out of money in the treasury not otherwise appropriated, $2,000,000, to remain available until September 30, 2030, for the Office of Inspector General to provide oversight over the management of funds appropriated under sections 90005 and 90006.

SEC. 90008. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY RESEARCH.

In addition to amounts otherwise available, there is appropriated to the National Institute of Standards and Technology for fiscal year 2022, out of any money in the Treasury not otherwise appropriated $100,000,000, to remain available until September 30, 2028, for research on the impact of fire on structures and communities located at the Wildland Urban Interface under the direction of the Institute, and for related administrative expenses.

SEC. 90009. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP.

In addition to amounts otherwise available, there is appropriated to the National Institute of Standards and Technology for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $260,000,000, to remain available until September 30, 2028, for the Hollings Manufacturing Extension Partnership of the National Institute of Standards and Technology and for related administrative expenses.

SEC. 90010. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY MANUFACTURING.

In addition to amounts otherwise available, there is appropriated to the National Institute of Standards and Technology for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $220,000,000, to remain available until September 30, 2028, to provide funds for advanced manufacturing research, development, and testbeds, through new and existing programs and public private partnerships, and for related administrative expenses; and

(2) $20,000,000, to remain available until September 30, 2028, for the development and execution of a cybersecurity workforce training center, and for related administrative expenses.

SEC. 90011. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY RESEARCH INFRASTRUCTURE.

In addition to amounts otherwise available, there is appropriated to the National Institute of Standards and Technology for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $650,000,000, to remain available until September 30, 2028, for the upgrade, replacement, maintenance, or renovation of facilities and equipment as necessary to conduct laboratory activities, and for related administrative expenses.

SEC. 90012. OCEANIC AND ATMOSPHERIC RESEARCH AND FORECASTING FOR WEATHER AND CLIMATE.

(a) FORECASTING AND RESEARCH.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available until September 30, 2026, to accelerate advances and improvements in research, observation systems, modeling, forecasting, assessments, and dissemination of information to the public as it pertains to ocean and atmospheric processes related to weather, coasts, oceans, and climate, and to carry out section 102(a) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8512(a)), and for related administrative expenses.

(b) RESEARCH GRANTS AND SCIENCE INFORMATION, PRODUCTS, AND SERVICES.—In addition to amounts otherwise available, there are appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2026—

(1) $100,000,000 for competitive grants to fund climate research as it relates to weather, ocean, coastal, and atmospheric processes and conditions, and impacts to marine species and coastal habitat, and for related administrative expenses; and

(2) $100,000,000 for education and training pursuant to section 4002(b)(2) of the America COMPETES Act (33 U.S.C. 893a(b)(2)), and for increased development and dissemination of climate science information, products, and services, in support of climate adaptation preparedness as it relates to weather, ocean, coastal, and atmospheric processes and conditions, impacts to marine species and coastal habitat, and for related administrative expenses.

(c) RESEARCH INFRASTRUCTURE AND PROCUREMENT.—In addition to amounts otherwise available, there are appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for the provision of research infrastructure that improves accuracy, timing, and dissemination of public information concerning extreme climate and weather and for procurements necessary to support the activities described in subsections (a) and (b), and for related administrative expenses.

SEC. 90013. CLIMATE EDUCATION.

In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2026, for contracts, grants, and technical assistance for education activities and materials under section 4002(b)(2) of the America COMPETES Act (33 U.S.C. 893a(b)(2)) related to improving public understanding of climate change as it relates to weather, ocean, coastal, and atmospheric processes and conditions and marine fisheries and resources, and for related administrative expenses. None of the funds provided by this subsection shall be subject to cost-sharing or matching requirements.

SEC. 90014. COMPUTING CAPACITY AND RESEARCH FOR WEATHER, OCEANS, AND CLIMATE.

In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available until September 30, 2026, for the procurement of additional high-performance computing, data processing capacity, data management, and storage assets, to carry out section 204(a)(2) of the High-Performance Computing Act of 1991 (15 U.S.C. 5524(a)(2)), and for transaction agreements authorized under section 301(d)(1)(A) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8531(d)(1)(A)), and for related administrative expenses.

SEC. 90015. ACQUISITION OF HURRICANE FORECASTING AIRCRAFT.

In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $139,000,000, to remain available until September 30, 2026, for the acquisition of hurricane hunter aircraft under section 413(a) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8549(a)).

SEC. 90016. NATIONAL SCIENCE FOUNDATION CORE RESEARCH.

In addition to amounts otherwise available, there is appropriated to the National Science Foundation (referred to in this section as ''the Foundation'') for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $668,000,000, to remain available until September 30, 2026, to fund or extend new and existing research awards, traineeships, scholarships, and fellowships administered by the National Science Foundation, across all science, technology, engineering, and mathematics disciplines supported by the National Science Foundation, and for related administrative expenses;

(2) $25,000,000, to remain available until September 30, 2028, for activities and research to ensure broad demographic participation in the activities of the Foundation, consistent with the goals under section 526(a)(7) of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 1862p-14(a)(7)) and section 3(e) of the National Science Foundation Act of 1950 (42 U.S.C. 1862(e)), and for related administrative expenses; and

(3) $500,000,000, to remain available until September 30, 2028, for climate change research as it relates to fundamental understanding of physical, chemical, biological, and human systems and the interactions among them, and for related administrative expenses.

SEC. 90017. NATIONAL SCIENCE FOUNDATION TECHNOLOGY, INNOVATION, AND PARTNERSHIPS DIRECTORATE.

In addition to amounts otherwise available, there is appropriated to the National Science Foundation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $1,520,000,000, to remain available until September 30, 2026, to fund and administer the Directorate for Technology, Innovation, and Partnerships, which shall accelerate use-inspired and translational research and the development, commercialization, and use of technologies and innovations of national importance, including technologies and innovations relevant to natural disaster mitigation and other societal challenges, through programs of the National Science Foundation, and for related administrative expenses;

(2) $25,000,000, to remain available until September 30, 2028, for research security activities;

(3) $200,000,000, to remain available until September 30, 2028, for research capacity building at historically Black colleges and universities, Tribal Colleges and Universities, Hispanic-serving institutions, and other minority-serving institutions, administered through the Directorate for Technology, Innovation, and Partnerships, and for related administrative expenses; and

(4) $55,000,000, to remain available until September 30, 2028, to fund cybersecurity education and training, including scholarships, through programs of the National Science Foundation, and for related administrative expenses.

SEC. 90018. NATIONAL SCIENCE FOUNDATION RESEARCH INFRASTRUCTURE.

In addition to amounts otherwise available, there is appropriated to the National Science Foundation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $200,000,000 to remain available until September 30, 2026, for the repair, renovation, or, in exceptional cases, replacement of obsolete science and engineering facilities primarily devoted to research and research training, and for related administrative expenses;

(2) $200,000,000, to remain available until September 30, 2026, for additional mid-scale and major research instrumentation, equipment, and infrastructure awards under the direction of the National Science Foundation, and for related administrative expenses; and

(3) $100,000,000, to remain available until September 30, 2028, for academic research facilities modernization and research instrumentation, including construction, upgrade, renovation, or repair of research infrastructure, at historically Black colleges and universities, Tribal Colleges and Universities, Hispanic-serving institutions, and other minority-serving institutions, through programs of the National Science Foundation, and for related administrative expenses.

SEC. 90019. NATIONAL SCIENCE FOUNDATION OVERSIGHT.

In addition to amounts otherwise available, there is appropriated to the National Science Foundation for fiscal year 2022, out of any

money in the Treasury not otherwise appropriated, $7,000,000, to remain available until September 30, 2030, for administrative expenses of the Inspector General relating to oversight of funds provided to the National Science Foundation under this Act.

TITLE X—COMMITTEE ON SMALL BUSINESS

Subtitle A—Increasing Federal Contracting Opportunities for Small Businesses

SEC. 100101. VETERAN FEDERAL PROCUREMENT ENTREPRENEURSHIP TRAINING PROGRAM.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $35,000,000, to remain available until September 30, 2030, for carrying out subsection (h) of section 32 of the Small Business Act (15 U.S.C. 657b), as added by this section.

(b) ESTABLISHMENT.—Section 32 of the Small Business Act (15 U.S.C. 657b) is amended by adding at the end the following:

''(h) VETERAN FEDERAL PROCUREMENT ENTREPRENEURSHIP TRAINING PROGRAM.—The Administrator, acting through the Associate Administrator, shall make grants to, or enter into cooperative agreements with, nonprofit entities to operate a Federal procurement entrepreneurship training program to provide assistance to small business concerns owned and controlled by veterans regarding how to increase the likelihood of being awarded contracts with the Federal Government. A grant or cooperative agreement under this subsection—

''(1) shall be made to or entered into with nonprofit entities that have a track record of successfully providing educational and job training services to veteran populations from diverse locations; and

''(2) shall include terms under which the nonprofit entities shall use a diverse group of professional service experts, such as Federal, State, and local contracting experts and private sector industry experts with first-hand experience in Federal Government contracting, to provide assistance to small business concerns owned and controlled by veterans through a program operated under this section.''.

SEC. 100102. EXPANDING SURETY BOND PROGRAM.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $85,000,000 for additional capital for the fund established under section 412 of the Small Business Investment Act of 1958 (15 U.S.C. 694c); and

(2) $15,000,000 for administrative expenses and oversight costs related to carrying out this section, and any amendments made by this section.

(b) EXPANDING SURETY BOND PROGRAM.—Part B of title IV of the Small Business Investment Act of 1958 is amended—

(1) in section 411—

(A) in subsection (a)(1)—

(i) in subparagraph (A), by striking ''$6,500,000'' and inserting ''$10,000,000''; and

(ii) by amending subparagraph (B) to read as follows:

''(B) The Administrator may guarantee a surety under subparagraph (A) for a total work order or contract in an amount that does not exceed $20,000,000.''; and

(B) in subsection (e)(2), by striking ''$6,500,000'' and inserting ''the amount described in subparagraph (A) or (B) of subsection (a)(1), as applicable''; and

(2) in section 412(a) (15 U.S.C. 694c(a)), in the third sentence, by striking '', excluding administrative expenses,''.

Subtitle B—Empowering Small Business Creation and Expansion in Underrepresented Communities

SEC. 100201. FUNDING FOR UPLIFT INCUBATORS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $850,000,000 for carrying out section 49 of the Small Business Act, as added by subsection (b); and

(2) $150,000,000 for administrative expenses and costs related to carrying out section 49 of the Small Business Act, as added by subsection (b).

(b) ESTABLISHMENT.—The Small Business Act is amended—

(1) by redesignating section 49 (15 U.S.C. 631 note) as section 54; and

(2) by inserting after section 48 the following:

''SEC. 49. UPLIFT INCUBATORS.

''(a) DEFINITIONS.—In this section:

''(1) ECONOMIC DEVELOPMENT ORGANIZATION.—The term 'economic development organization'—

''(A) means a regional, State, tribal, or local private nonprofit organization established for purposes of promoting or otherwise facilitating economic development; and

''(B) includes community financial institutions, as defined in section 7(a)(36)(A).

''(2) ELIGIBLE APPLICANT.—The term 'eligible applicant' means—

''(A) an economic development organization;

''(B) an SBA partner organization;

''(C) a historically Black college or university;

''(D) an institution of higher education, as described in section 371(a) of the Higher Education Act; or

''(E) a junior or community college.

''(3) ELIGIBLE SMALL BUSINESS CONCERN.—The term 'eligible small business concern' means a business concern that—

''(A) is organized or incorporated in the United States;

''(B) is operating primarily in the United States;

''(C) meets—

''(i) the applicable industry-based size standard established under section 3; or

''(ii) the alternate size standard applicable to the program under section 7(a) or the loan programs under title V of the Small Business Investment Act of 1958;

''(D) is—

''(i) in the planning stages or has been in business for not more than 5 years as of the date on which assistance under this section commences; or

''(ii) a small government contractor; and

''(E) is—

''(i) owned and controlled by 1 or more members of an underrepresented community; or

''(ii) a Native Entity.

''(4) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term 'historically Black college or university' means a 'part B institution', as defined in section 322 of the Higher Education Act of 1965.

''(5) MEMBER OF AN UNDERREPRESENTED COMMUNITY.—The term 'member of an underrepresented community' means an individual—

''(A) who is a resident of—

''(i) a low-income community, as defined in section 45D(e) of the Internal Revenue Code of 1986;

''(ii) a low-income rural community; or

''(iii) a HUBZone, as defined in section 31(b);

''(B) who is a member of an Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the most recent list published pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994;

''(C) with a disability, as defined in section 3 of the Americans with Disabilities Act of 1990;

''(D) who is a veteran;

''(E) who completed a term of imprisonment; or

''(F) who is otherwise identified by the Administrator.

''(6) NATIVE ENTITY.—The term 'Native Entity' means—

''(A) an Alaska Native Corporation, as defined in section 3(m) of the Alaska Native Claims Settlement Act; and

''(B) a Native Hawaiian organization, as defined in section 6207 of the Elementary and Secondary Education Act of 1965.

''(7) SBA PARTNER ORGANIZATION.—The term 'SBA partner organization' means any organization awarded financial assistance in the form of a grant, prize, cooperative agreement, or contract for the purpose of conducting a public project funded, either in whole or in part, under a program of the Administration.

''(8) SMALL GOVERNMENT CONTRACTOR.—The term 'small government contractor' means a small business concern that is performing a government contract or subcontract.

''(9) UPLIFT INCUBATOR.—The term 'uplift incubator' means an organization that is designed to accelerate the growth and success of startups and small business concerns through a variety of business support resources and services, including—

''(A) access to physical workspace and facilities;

''(B) access to capital, business education, and counseling;

''(C) networking opportunities;

''(D) mentorship opportunities;

''(E) assistance in becoming prime contractors and submitting bids for prime contracts;

''(F) conducting market research, drafting statements, and identifying acquisition authorities under which eligible small business concerns assisted under this section may enter into Federal contracts or agreements; and

''(G) other services intended to aid in developing a business.

''(b) AUTHORITY.—The Administrator may provide financial assistance on a competitive basis in the form of a grant, prize, cooperative agreement, or contract to an eligible applicant for purposes of—

''(1) providing the services of a uplift incubator to eligible small business concerns; or

''(2) expanding or establishing a network of the eligible applicant to provide the services of a uplift incubator to eligible small business concerns.

''(c) USE OF FUNDS.—An eligible applicant that receives assistance under this section—

''(1) shall support areas that serve members of an underrepresented community by providing the services of a uplift incubator; and

''(2) shall not impose or otherwise collect a fee or other compensation from eligible small business concerns in connection with the provision of such services.

''(d) PENALTIES FOR FAILURE TO ABIDE BY TERMS OR CONDITIONS OF AWARD.—At the discretion of the Administrator and in addition to any other civil or criminal consequences, the Administrator shall withhold payments to an eligible applicant or order the eligible applicant to return any assistance provided under this section for failure to abide by the terms and conditions of such assistance.''.

SEC. 100202. OFFICE OF NATIVE AMERICAN AFFAIRS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration, out of any money in the Treasury not otherwise appropriated for fiscal year 2022, $10,000,000, to remain available until September 30, 2029, to carry out section 50 of the Small Business Act, as added by subsection (b).

(b) ESTABLISHMENT.—The Small Business Act is amended by inserting after section 49, as

added by section 100201 of this title, the following:

''SEC. 50. OFFICE OF NATIVE AMERICAN AFFAIRS.

''(a) DEFINITIONS.—In this section:

''(1) ALASKA NATIVE CORPORATION.—The term 'Alaska Native Corporation' has the meaning given the term section 3(m) of the Alaska Native Claims Settlement Act.

''(2) INDIAN TRIBE.—The term 'Indian Tribe' means any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the most recent list published pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994.

''(3) NATIVE AMERICAN.—The term 'Native American' means a member of an Indian Tribe.

''(4) NATIVE HAWAIIAN ORGANIZATION.—The term 'Native Hawaiian Organization' has the meaning given in section 6207 of the Elementary and Secondary Education Act of 1965.

''(5) RESOURCE PARTNERS.—The term 'resource partners' means—

''(A) small business development centers;

''(B) women's business centers described in section 29;

''(C) chapters of the Service Corps of Retired Executives established under section 8(b)(1)(B); and

''(D) Veteran Business Outreach Centers described in section 32.

''(b) ESTABLISHMENT.—There is established in the Administration an Office of Native American Affairs, in this section referred to as the 'Office', which shall provide entrepreneurship outreach and development assistance to Native Americans, Native Hawaiian Organizations and members thereof, Alaska Native Corporations and members thereof, and Indian Tribes, through the Native American Outreach Program established under subsection (c).

''(c) NATIVE AMERICAN OUTREACH PROGRAM.—

''(1) ESTABLISHMENT.—The Administrator shall establish and administer a Native American Outreach Program within the Office—

''(A) to ensure that small business concerns owned and controlled by Native Americans, Native Hawaiian Organizations, Alaska Native Corporations, and Indian Tribes, and Native American entrepreneurs have access to programs and services of the Administration;

''(B) to provide information to State, local, and tribal governments and other interested persons about Federal assistance available to small business concerns owned and controlled by Native Americans, Native Hawaiian Organizations, Alaska Native Corporations, and Indian Tribes, and Native American entrepreneurs; and

''(C) to ensure access to in-person and virtual counseling and training services to small business concerns owned and controlled by Native Americans, Native Hawaiian Organizations, Alaska Native Corporations, and Indian Tribes, and Native American entrepreneurs.

''(2) SERVICES.—The services described in paragraph (1) shall include—

''(A) financial education on applying for and securing credit, loan guarantees, surety bonds, and investment capital, managing financial operations, and preparing and presenting financial statements and business plans;

''(B) education on management of a small business concern, including planning, organizing, staffing, and marketing;

''(C) identifying market opportunities; and

''(D) implementing economic and business development strategies to improve long-term job growth.''.

SEC. 100203. OFFICE OF RURAL AFFAIRS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration, out of any money in the Treasury not otherwise appropriated for fiscal year 2022, $10,000,000, to remain available until September 30, 2029, to carry out subsection (d) of section 26 of the Small Business Act (15 U.S.C. 653), as added by subsection (b).

(b) OFFICE OF RURAL AFFAIRS.—Section 26 of the Small Business Act (15 U.S.C. 653) is amended by adding at the end the following:

''(d) RURAL SMALL BUSINESS CONFERENCES.—The Office shall administer 1 or more annual Rural Small Business Conferences, to be held in various regions of the United States. The purpose of such Conferences shall be to—

''(1) promote policies and programs of the Administration specific to small business concerns located in rural areas, and make publicly available information about such policies and programs;

''(2) coordinate with all offices of the Administration, resource partners, lenders, and other interested persons to ensure that the needs of small business concerns located in rural area are being met; and

''(3) analyze data on the effectiveness of programs of the Administration that benefit small business concerns located in rural areas.''.

SEC. 100204. OFFICE OF EMERGING MARKETS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration, out of any money in the Treasury not otherwise appropriated in fiscal year 2022, $10,000,000, to remain available until September 30, 2029, to carry out subsection (o) of section 7 of the Small Business Act (15 U.S.C. 636), as added by subsection (b).

(b) ESTABLISHMENT.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended by adding at the end the following:

''(o) OFFICE OF EMERGING MARKETS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'Director' means the Director of the Office of Emerging Markets;

''(B) the term 'microloan program' means the program described in subsection (m);

''(C) the term 'small business concern in an emerging market' means a small business concern—

''(i) that is located in—

''(I) a low-income or moderate-income area for purposes of the Community Development Block Grant Program under title I of the Housing and Community Development Act of 1974; or

''(II) a HUBZone, as that term is defined in section 31(b);

''(ii) that is growing, newly established, or a startup;

''(iii) owned and controlled by veterans;

''(iv) owned and controlled by individuals with a disability, as defined in section 3 of the Americans with Disabilities Act of 1990; or

''(v) owned and controlled by other individuals or groups identified by the Administrator.

''(2) ESTABLISHMENT.—There is established within the Office of Capital Access of the Administration an office to be known as the 'Office of Emerging Markets'. The Office of Emerging Markets shall be administered by a Director who shall be responsible for the planning, coordination, implementation, evaluation, and improvement of the efforts of the Administrator to enhance the economic well-being of small business concerns in an emerging market.''.

SEC. 100205. STATE TRADE EXPANSION PROGRAM.

In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $31,710,000, to remain available until September 30, 2027, to carry out section 22(l) of the Small Business Act (15 U.S.C. 649(l)) in fiscal year 2023, and

(2) $31,710,000, to remain available until September 30, 2027, to carry out section 22(l) of the Small Business Act (15 U.S.C. 649(l)) in fiscal year 2024.

Subtitle C—Encouraging Small Businesses to Fully Engage in the Innovation Economy

SEC. 100301. GROWTH ACCELERATOR COMPETITION.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $190,000,000 for carrying out section 51 of the Small Business Act, as added by subsection (b); and

(2) $10,000,000 for administrative expenses and oversight costs related to carrying out section 51 of the Small Business Act, as added by subsection (b).

(b) IN GENERAL.—The Small Business Act is amended by inserting after section 50, as added by section 100202 of this title, the following:

''SEC. 51. GROWTH ACCELERATOR COMPETITION.

''(a) DEFINITIONS.—In this section:

''(1) AWARD.—The term 'award' means a grant, prize, contract, cooperative agreement, or other cash or cash equivalent.

''(2) DISABILITY.—The term 'disability' has the meaning given the term in section 3 of the Americans with Disabilities Act of 1990.

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) an eligible applicant, as defined in section 49; or

''(B) an organization that is a growth accelerator located in the United States.

''(4) GROWTH ACCELERATOR.—The term 'growth accelerator' means an organization that—

''(A) supports new small business concerns that have a focus on technology, research, and development;

''(B) works with a new small business concern for a predetermined amount of time;

''(C) provides mentorship and instruction to small business concerns to grow the business concern; or

''(D) offers startup capital or the opportunity to raise capital from outside investors to small business concerns.

''(5) NEW SMALL BUSINESS CONCERN.—The term 'new small business concern' means a small business concern that has been in operation for not more than 5 years.

''(b) ESTABLISHMENT.—The Administrator shall make competitive awards of not less than $100,000 to eligible entities to accelerate the growth of new small business concerns by providing—

''(1) assistance to small business concerns to access capital and find mentors and networking opportunities; and

''(2) advice to small business concerns, including advising on market analysis, company strategy, revenue growth, commercialization, and securing funding.

''(c) USE OF FUNDS.—An award under this section—

''(1) may be used by an eligible entity recipient for construction costs, acquisition of physical workspace and facilities, and programmatic purposes to benefit new small business concerns; and

''(2) may not be used by an eligible entity recipient to provide capital to new small business concerns directly or through the subaward of funds.

''(d) PENALTIES FOR FAILURE TO ABIDE BY TERMS OR CONDITIONS OF AWARD.—At the discretion of the Administrator and in addition to any other civil or criminal consequences, the Administrator shall withhold payments to an eligible entity or order the eligible entity to return an award made under this section for failure to abide by the terms and conditions of the award.''.

Subtitle D—Increasing Equity Opportunities

SEC. 100401. INCREASING EQUITY INVESTMENT IN THE SBIC PROGRAM.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the

Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2031, for carrying out this section.

(b) ESTABLISHMENT.—The Small Business Investment Act of 1958, is amended—

(1) in section 103 (15 U.S.C. 662)—

(A) in paragraph (9)(B)(iii)—

(i) in subclause (II), by striking ''and'' at the end;

(ii) in subclause (III), by adding ''and'' at the end; and

(iii) by adding at the end the following:

''(IV) funds obtained from any financial institution identified under section 302(b);''; and

(B) in paragraph (13)(C), by striking ''in an aggregate amount that does not exceed 33 percent of the private capital of the applicant or licensee''; and

(2) in section 304 (15 U.S.C. 684), by adding at the end the following:

''(e) Notwithstanding section 310(c)(6), a licensee under section 321 may, subject to rules to be issued by the Administration, invest equity capital in investment funds that—

''(1) are majority controlled by members of an underrepresented community, as defined in section 49 of the Small Business Act;

''(2) receive annual assistance provided by such licensee; or

''(3) meet additional criteria as determined by the Administration.''; and

(3) by adding at the end of the following:

''SEC. 321. EMERGING MANAGERS PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) COVERED INVESTMENTS.—The term 'covered investments' means investments in—

''(A) infrastructure, including—

''(i) roads, bridges, and mass transit;

''(ii) water supply and sewer;

''(iii) the electrical grid;

''(iv) broadband and telecommunications;

''(v) clean energy; or

''(vi) child care and elder care;

''(B) manufacturing;

''(C) low-income communities, as that term is defined in section 45D(e) of the Internal Revenue Code of 1986;

''(D) HUBZones, as defined in section 31(b) of the Small Business Act;

''(E) small business concerns owned and controlled by a member of an Indian tribe individually identified (including parenthetically) in the most recent list published pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994;

''(F) small business concerns owned and controlled by an individual with a disability, as defined in section 3 of the Americans with Disabilities Act of 1990;

''(G) small business concerns owned and controlled by a veteran; or

''(H) industries identified by the Administrator.

''(2) EMERGING MANAGER COMPANY.—The term 'emerging manager company' means an investment management firm that is focused on investing private equity and that meets not less than 2 of the following criteria:

''(A) The partners of the firm have—

''(i) an investment track record of less than 10 years of combined investment experience; or

''(ii) a documented record of successful business experience.

''(B) The firm has a focus on underserved markets.

''(C) The firm is not less than 50 percent owned, managed, or controlled by members of an underrepresented community (as defined in section 49 of the Small Business Act).

''(b) ESTABLISHMENT.—The Administrator shall establish an emerging managers program pursuant to which managers with substantial experience in operating small business investment companies—

''(1) may enter into a written agreement approved by the Administrator to provide guidance and assistance to an applicant for a license for a small business investment company that is to be managed by an emerging manager company; and

''(2) may hold a minority financial interest in the small business investment company described in paragraph (1).

''(c) LICENSING.—An applicant described in subsection (b)(1) shall apply for a license under section 301(c) and shall—

''(1) have private capital not to exceed $100,000,000;

''(2) be managed by not less than two individuals;

''(3) be a second generation fund or earlier; and

''(4) focus its investment strategy on covered investments.

''(d) WAIVER OF MAXIMUM LEVERAGE.—The approval of a written agreement under subsection (b) by the Administrator shall operate as a waiver of the requirements of section 303(b)(2)(B) to the extent that such section would otherwise apply.

''(e) INCREASED LEVERAGE MAXIMUM.—An existing small business investment company that enters into a written agreement under subsection (b) may receive an increase in the maximum leverage cap of the company under section 303(b)(2)—

''(1) under subparagraph (A) of such section, with respect to a single license, by not more than $17,500,000; and

''(2) under subparagraph (B) of such section, with respect to multiple licenses under common control, by not more than $35,000,000.''.

SEC. 100402. MICROCAP SMALL BUSINESS INVESTMENT COMPANY LICENSE.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Administration for fiscal year 2022, out of amounts in the Treasury not otherwise appropriated, $40,000,000, to remain available until September 30, 2031, to carry out paragraph (5) of section 301(c) of the Small Business Investment Act of 1958 (15 U.S.C. 681(c)), as added by subsection (b).

(b) MICROCAP SMALL BUSINESS INVESTMENT COMPANY LICENSE.—Section 301(c) of the Small Business Investment Act of 1958 (15 U.S.C. 681(c)) is amended by adding at the end the following:

''(5) MICROCAP SMALL BUSINESS INVESTMENT COMPANY LICENSE.—

''(A) IN GENERAL.—The Administrator may issue licenses under this subsection to applicants—

''(i) that do not satisfy the qualification requirements under paragraph (3)(A)(ii) to the extent that such requirements relate to investment experience and track record, including any such requirements further set forth in section 107.305 of title 13, Code of Federal Regulations, or any successor regulation;

''(ii) that would otherwise be issued a license under this subsection, except that the management of the applicant does not satisfy the requirements under paragraph (3)(A)(ii) to the extent that such requirements relate to investment experience and track record, including any such requirements further set forth in section 107.305 of title 13, Code of Federal Regulations, or any successor regulation;

''(iii) for which the managers of such applicant have—

''(I) a documented record of successful business experience;

''(II) a record of business management success; or

''(III) knowledge in the particular industry or business for which the applicant is pursuing an investment strategy; and

''(iv) that have demonstrated appropriate qualifications for the license, based on factors determined by the Administrator.

''(B) REQUIRED INVESTMENTS.—A licensee under this paragraph shall invest not less than 50 percent of the total financings of the licensee in covered investments (as defined in section 321), of which not more than 33 percent of those investments are in small business concerns in infrastructure or manufacturing.

''(C) LEVERAGE.—A company licensed pursuant to this paragraph shall—

''(i) not be eligible to receive leverage in an amount that is more than $50,000,000; and

''(ii) be able to access leverage in an amount that is not more than 200 percent of the private capital of the company.

''(D) INVESTMENT COMMITTEE.—If a company licensed pursuant to this paragraph has investment committee members or control persons who are principals approved by the Administrator or control persons of licensed small business investment companies not licensed under this paragraph, such licensee or licensees shall not be deemed to be under common control with the company licensed pursuant to this paragraph solely for the purpose of section 303(b)(2)(B).

''(E) FEES.—In addition to the fees authorized under sections 301(e) and 310(b), the Administration may prescribe fees to be paid by each company designated to operate under this paragraph.''.

SEC. 100403. FUNDING FOR SBIC OUTREACH AND EDUCATION.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,500,000, to remain available until September 30, 2031, for carrying out this section.

(b) OUTREACH AND EDUCATION.—The Administrator shall develop and implement a program to promote to, conduct outreach to, and educate prospective licensees on the licensing procedures and other programs of small business investment companies under title III of the Small Business Investment Act of 1958.

Subtitle E—Increasing Access to Lending and Investment Capital

SEC. 100501. FUNDING FOR COMMUNITY ADVANTAGE LOAN PROGRAM.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $224,800,000 for carrying out paragraph (38) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by subsection (b);

(2) $4,000,000 for the Administrator of the Small Business Administration to develop a training course and provide free or low-cost training to covered institutions making loans under the program established under such paragraph (38); and

(3) $47,100,000 for administrative expenses related to carrying out such paragraph (38), including issuing interim final rules.

(b) ESTABLISHMENT.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

''(38) COMMUNITY ADVANTAGE LOAN PROGRAM.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'covered institution' means—

''(I) a development company, as defined in section 103 of the Small Business Investment Act of 1958, participating in the loan program established under title V of such Act;

''(II) a non-Federally regulated entity certified as a community development financial institution under the Community Development Banking and Financial Institutions Act of 1994;

''(III) an intermediary, as defined in subsection (m)(11), that is a nonprofit organization and is participating in the microloan program under subsection (m); and

''(IV) an eligible intermediary, as defined in subsection (l)(1), participating in the small business intermediary lending pilot program established under subsection (l)(2);

''(ii) the term 'new business' means a small business concern that has been in business for not more than 2 years on the date on which a loan is made to the small business concern under the program;

''(iii) the term 'program' means the Community Advantage Loan Program established under subparagraph (B);

''(iv) the term 'small business concern in an underserved market' means a small business concern—

''(I) that is located in—

''(aa) a low- to moderate-income community;

''(bb) a HUBZone, as that term is defined in section 31(b);

''(cc) a rural area; or

''(dd) any area for which a disaster declaration or determination described in subparagraph (B), (C), or (E) of subsection (b)(2) has been made that has not terminated more than 2 years (or later, as determined by the Administrator) before the date on which a loan is made to such concern under such subsection, or in any area for which a major disaster described in subsection (b)(2)(A) has been declared, that period shall be 5 years;

''(II) that is a new business;

''(III) owned and controlled by veterans;

''(IV) owned and controlled by an individual who has completed a term of imprisonment;

''(V) owned and controlled by an individual with a disability, as that term is defined in section 3 of the Americans with Disabilities Act of 1990;

''(VI) owned and controlled by a member of an Indian tribe individually identified (including parenthetically) in the most recent list published pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994; or

''(VII) otherwise identified by the Administrator.

''(B) ESTABLISHMENT.—There is established a Community Advantage Loan Program under which the Administration may guarantee loans made by covered institutions under this subsection, with an emphasis on loans made to small business concerns in an underserved market.

''(C) REQUIREMENT TO MAKE LOANS TO UNDERSERVED MARKETS.—Not less than 60 percent of loans made by a covered institution under the program shall consist of loans made to small business concerns in an underserved market.

''(D) MAXIMUM LOAN AMOUNT.—

''(i) IN GENERAL.—Except as provided in clause (ii), the maximum loan amount for a loan guaranteed under the program is $250,000.

''(ii) EXCEPTIONS.—

''(I) REQUESTED EXCEPTION.—

''(aa) IN GENERAL.—Upon request by a covered institution, the Administrator may guarantee a loan under the program that is more than $250,000 and not more than $350,000.

''(bb) NOTIFICATION.—As soon as practicable and not later than 14 business days after receiving a request under item (aa), the Administration shall—

''(AA) review the request; and

''(BB) provide a decision regarding the request to the covered institution making the loan.

''(II) MAJOR DISASTERS.—The maximum loan amount for a loan guaranteed under the program that is made to a small business concern located in an area affected by a major disaster described in subsection (b)(2)(A) is $350,000.

''(E) INTEREST RATES.—The maximum interest rate for a loan guaranteed under the program shall not exceed the maximum interest rate, as determined by the Administration, applicable to other loans guaranteed under this subsection.''.

SEC. 100502. FUNDING FOR CREDIT ENHANCEMENT AND SMALL DOLLAR LOAN FUNDING.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $1,480,600,000 to carry out paragraph (39) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by subsection (b); and

(2) $484,000,000 for administrative expenses related to carrying out such paragraph (39), including issuing interim final rules within 90 days after the date of the enactment of this title, of which $25,000,000 is reserved for grants to conduct outreach to entities eligible to receive a loan under such paragraph (39).

(b) SMALL DOLLAR LOAN FUNDING.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by section 100501, is further amended—

(1) in paragraph (1)(A)(i), in the third sentence, by striking ''; and'' and all that follows through the period at the end and inserting a period;

(2) in paragraph (4)(A), by striking the comma after ''prescribed by the Administration'' and all that follows through the period at the end and inserting a period;

(3) in paragraph (26), by inserting ''(except for those collected under paragraph (39))'' after ''profits''; and

(4) by adding at the end the following:

''(39) SMALL DOLLAR LOAN FUNDING.—

''(A) DEFINITIONS.—In this paragraph:

''(i) SMALL GOVERNMENT CONTRACTOR.—The term 'small government contractor' means a small business concern that is performing a government contract.

''(ii) SMALL MANUFACTURER.—The term 'small manufacturer' means a small business concern that is assigned a North American Industry Classification System code beginning with 31, 32, or 33 at the time at which the small business concern receives loan under this subsection.

''(B) DIRECT LOANS.—The Administrator is authorized to originate and disburse direct loans, including through partnerships with third parties, to small business concerns.

''(C) MAXIMUM LOAN SIZE.—Notwithstanding paragraph (3)(C) of this subsection, a loan made in accordance with this paragraph shall be—

''(i) except as provided in clause (ii), not more than $150,000; or

''(ii) not more than $1,000,000, if the borrower is a small manufacturer or a small government contractor.

''(D) FEES.—With respect to each loan made in accordance with this paragraph, the Administrator, an authorized third party, or an agent may—

''(i) impose, collect, retain, and utilize fees, which may be charged to the borrower, to cover any costs associated with referring applications or originating, making, underwriting, disbursing, closing, servicing, or liquidating the loan, including any direct lending agent costs, other program or contract costs, or other agent administrative expenses;

''(ii) impose, collect, retain, and use fees (including unused fees and draw fees), which may be charged to the borrower on loans for revolving lines of credit; and

''(iii) pay third parties, including direct lending agents and financial institutions, with which the Administration partners for assistance in referring applicants or promoting, originating, making, underwriting, disbursing, closing, servicing, or liquidating loans in accordance with this paragraph on behalf of the Administration.

''(E) TERMS.—Not later than 90 days after the date of the enactment of this paragraph, the Administrator shall issue interim final rules and revise any relevant rules to establish the terms and conditions for a direct loan, including repayment, underwriting criteria, interest rate, maturity, and other terms of a loan made in accordance with this paragraph.''.

SEC. 100503. EXTENSION OF TEMPORARY FEE REDUCTIONS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $950,000,000, to remain available until September 30, 2026, for carrying out this section and any amendments made by this section.

(b) 7(A) LOAN PROGRAM.—Section 326 of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (title III of division N of Public Law 116–260; 134 Stat. 2036; 15 U.S.C. 636 note) is amended—

(1) in subsection (a)(2), by striking ''October 1, 2021'' and inserting ''October 1, 2026''; and

(2) in subsection (b)(2), by striking ''October 1, 2021'' and inserting ''October 1, 2026''.

(c) OTHER FEES.—Section 327 of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (title III of division N of Public Law 116–260; 134 Stat. 2037; 15 U.S.C. 636 note) is amended—

(1) in subsection (a)(1), by striking ''September 30, 2021'' and inserting ''September 30, 2026''; and

(2) in subsection (b)(1), by striking ''September 30, 2021'' and inserting ''September 30, 2026''.

SEC. 100504. FUNDING FOR COOPERATIVES.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2031, for carrying out paragraph (40) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by subsection (b).

(b) COOPERATIVE LENDING PILOT.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by section 100502, is further amended by adding at the end the following:

''(40) COOPERATIVE LENDING PILOT.—

''(A) DEFINITIONS.—In this paragraph:

''(i) COMMUNITY FINANCIAL INSTITUTION.—The term 'community financial institution' has the meaning given in paragraph (36)(A).

''(ii) COOPERATIVE.—The term 'cooperative'—

''(I) means an entity determined by the Administrator to be a cooperative; and

''(II) includes an entity owned by employees or consumers of the entity.

''(iii) ELIGIBLE EMPLOYEE-OWNED BUSINESS CONCERN.—The term 'eligible employee-owned business concern' means—

''(I) a cooperative in which the employees of the cooperative are eligible for membership;

''(II) a qualified employee trust; or

''(III) other employee-owned entities as determined by the Administrator.

''(iv) PILOT PROGRAM.—The term 'pilot program' means the pilot program established under subparagraph (B).

''(B) ESTABLISHMENT.—There is established a pilot program under which the Administrator shall guarantee loans (including loans made by community financial institutions), without the requirement of a personal or entity guarantee, where such loans shall be made to cooperatives or eligible employee-owned business concerns.

''(C) TERMINATION.—The pilot program shall terminate on the date that is 5 years after the date of enactment of this paragraph.''.

(c) DELEGATED LENDING AUTHORITY FOR PREFERRED LENDERS.—Section 5(b)(7) of the Small Business Act (15 U.S.C. 634(b)(7)) is amended by striking ''paragraph (15) or (35)'' and inserting ''paragraph (15), (35), or (40)''.

Subtitle F—Supporting Entrepreneurial Second Chances

SEC. 100601. REENTRY ENTREPRENEURSHIP COUNSELING AND TRAINING FOR INCARCERATED AND FORMERLY INCARCERATED INDIVIDUALS.

(a) REENTRY ENTREPRENEURSHIP COUNSELING AND TRAINING FOR INCARCERATED INDIVIDUALS.—

(1) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration, out of money in the Treasury not otherwise appropriated for fiscal year 2022, $35,000,000, to remain available

until September 30, 2029, to carry out section 52 of the Small Business Act, as added by paragraph (2).

(2) IN GENERAL.—The Small Business Act is amended by inserting after section 51, as added by section 100301 of this title, the following:

"SEC. 52. REENTRY ENTREPRENEURSHIP COUNSELING AND TRAINING FOR INCARCERATED INDIVIDUALS.

''(a) DEFINITIONS.—In this section:

''(1) COVERED INDIVIDUAL.—The term 'covered individual' means an individual who is completing a term of imprisonment in a facility designated as a minimum, low, or medium security.

''(2) RESOURCE PARTNERS.—The term 'resource partners' means a small business development center (defined in section 3) or a women's business center (described under section 29).

''(b) ESTABLISHMENT.—The Administrator shall coordinate with resource partners and associations formed to pursue matters of common concern to resource partners to provide entrepreneurship counseling and training services to covered individuals pursuant to subsection (c).

''(c) USE OF FUNDS.—Amounts made available under this section shall be used to—

''(1) develop and deliver a curriculum, including classroom instruction and in-depth training to develop skills related to business planning and financial literacy;

''(2) train mentors and instructors;

''(3) establish public-private partnerships to support covered individuals; and

''(4) identify opportunities to access capital.''.

(b) REENTRY ENTREPRENEURSHIP COUNSELING AND TRAINING FOR FORMERLY INCARCERATED INDIVIDUALS.—

(1) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration, out of any money in the Treasury not otherwise appropriated for fiscal year 2022, $35,000,000, to remain available until September 30, 2029, to carry out section 53 of the Small Business Act, as added by paragraph (2).

(2) IN GENERAL.—The Small Business Act is amended by inserting after section 52, as added by subsection (a), the following:

"SEC. 53. REENTRY ENTREPRENEURSHIP COUNSELING AND TRAINING FOR FORMERLY INCARCERATED INDIVIDUALS.

''(a) COVERED INDIVIDUAL DEFINED.—In this section, the term 'covered individual' means an individual who completed a term of imprisonment.

''(b) ESTABLISHMENT.—The Administrator shall establish a program under which the Service Corps of Retired Executives authorized by section 8(b)(1)(B) shall provide entrepreneurship counseling and training services to covered individuals on a nationwide basis.

''(c) USE OF FUNDS.—Amounts made available under this section shall be used by the Service Corps of Retired Executives for providing to covered individuals the following services:

''(1) Regular individualized mentoring sessions to identify and support development of the business plans of covered individuals.

''(2) Workshops on topics specifically tailored to meet the needs of covered individuals.

''(3) Instructional videos designed specifically for covered individuals on how to start or expand a small business concern.''.

SEC. 100602. NEW START ENTREPRENEURIAL DEVELOPMENT PROGRAM FOR FORMERLY INCARCERATED INDIVIDUALS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration, out of any money in the Treasury not otherwise appropriated for fiscal year 2022, $35,000,000, to remain available until September 30, 2029, for carrying out this section.

(b) DEFINITIONS.—In this section—

(1) COVERED INDIVIDUAL.—The term ''covered individual'' means an individual who—

(A) completed a term of imprisonment; and

(B) meets the offense eligibility requirements set forth in any applicable policy notice or other guidance issued by the Small Business Administration for the program established under section 7(m) of the Small Business Act (15 U.S.C. 636(m)).

(2) INTERMEDIARY; MICROLOAN.—The terms ''intermediary'' and ''microloan'' have the meanings given those terms, respectively, in section 7(m)(11) of the Small Business Act (15 U.S.C. 636(m)(11)).

(3) PARTICIPATING LENDER.—The term ''participating lender'' means a participating lender described under section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

(4) PILOT PROGRAM.—The term ''pilot program'' means the pilot program established under subsection (b).

(5) RESOURCE PARTNER.—The term ''resource partner'' means—

(A) a small business development center (defined in section 3 of the Small Business Act (15 U.S.C. 632));

(B) a women's business center (described under section 29 of such Act (15 U.S.C. 656));

(C) a chapter of the Service Corps of Retired Executives (established under section 8(b)(1)(B) of such Act ((15 U.S.C. 637(b)(1)(B))); and

(D) a Veteran Business Outreach Center (described under section 32 of such Act (15 U.S.C. 657b)).

(c) ESTABLISHMENT.—The Administrator shall establish a pilot program to award grants to organizations, or partnerships of organizations, to provide assistance to covered individuals throughout the United States.

(d) APPLICATION.—

(1) IN GENERAL.—An organization or partnership of organizations desiring a grant under the pilot program shall submit an application to the Administrator in such form, in such manner, and containing such information as the Administrator may reasonably require.

(2) CONTENTS.—An application submitted under paragraph (1) shall—

(A) demonstrate that the applicant has a partnership with, or is, an intermediary that shall make microloans to covered individuals;

(B) demonstrate an ability to provide a full range of entrepreneurial development programming on an ongoing basis;

(C) include a plan for reaching covered individuals, including by identifying particular target populations within the community in which a covered individual lives;

(D) include a plan to refer covered individuals who have completed participation in the pilot program to existing resource partners and participating lenders;

(E) include a comprehensive plan for the use of grant funds, including estimates for administrative expenses and outreach costs; and

(F) any other requirements, as determined by the Administrator.

(e) MATCHING REQUIREMENT.—

(1) IN GENERAL.—As a condition of a grant provided under the pilot program, the Administrator shall require the recipient of the grant to contribute an amount equal to 25 percent of the amount of the grant, obtained solely from non-Federal sources.

(2) FORM.—In addition to cash or other direct funding, the contribution required under paragraph (1) may include indirect costs or in-kind contributions paid for under non-Federal programs.

Subtitle G—Other Matters

SEC. 100701. ADMINISTRATIVE EXPENSES.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $125,000,000, to remain available until September 30, 2030, for administrative expenses related to carrying out this title (or any amendments made by this title), except as otherwise provided in this title.

(b) RULEMAKING.—Using amounts made available under subsection (a), not later than 30 days after the date of the enactment of this Act, the Administrator may issue rules, including interim final rules, as necessary to carry out this title and the amendments made by this title.

SEC. 100702. OFFICE OF INSPECTOR GENERAL OF THE SMALL BUSINESS ADMINISTRATION.

In addition to amounts otherwise available, there is appropriated to the Office of Inspector General of the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $12,500,000, to remain available until September 30, 2030, for audits, investigations, and other oversight of projects and activities carried out with funds made available by this title to the Small Business Administration.

TITLE XI—COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

SEC. 110001. AFFORDABLE HOUSING ACCESS PROGRAM.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $9,750,000,000, to remain available until September 30, 2026, to the Secretary of Housing and Urban Development and the Administrator of the Federal Transit Administration to make competitive grants under sections 5307, 5311, and 5339(c) of title 49, United States Code, to support—

(1) access to affordable housing;

(2) enhanced mobility for residents and riders, including those in disadvantaged communities and neighborhoods, persistent poverty communities, or for low-income riders generally; and

(3) other community benefits for residents of disadvantaged communities or neighborhoods, persistent poverty communities, or for low-income riders generally identified by the Secretary and the Administrator related to enhanced transit service, including—

(A) access to job and educational opportunities;

(B) better connections to medical care; and

(C) enhanced access to grocery stores with fresh foods to help eliminate food deserts.

(b) ADMINISTRATION OF FUNDS.—Funds made available under this section—

(1) shall not be subject to any prior restriction on the total amount of funds available for implementation or execution of programs authorized under sections 5307, 5311, 5312, 5314, or 5339(c) of title 49, United States Code;

(2) notwithstanding requirements related to Government share under such sections, shall be available for up to 100 percent of the net cost of a project;

(3) notwithstanding section 5307(a)(1) of such title, may be used for operating costs of equipment and facilities in an urbanized area with a population equal to or greater than 200,000 individuals; and

(4) shall be expended in compliance with the U.S. Department of Transportation's Disadvantaged Business Enterprise Program.

(c) ELIGIBLE ACTIVITIES.—Eligible activities for funds made available under subsection (a) shall be—

(1) construction of a new fixed guideway capital project;

(2) construction of a bus rapid transit project or a corridor-based bus rapid transit project that utilizes zero-emission vehicles, or a collection of such projects;

(3) the establishment or expansion of high-frequency bus service that utilizes zero-emission buses;

(4) the acquisition of zero-emission vehicles or related infrastructure under section 5339(c) of title 49, United States Code, to expand service in urban areas and the acquisition of vehicles under section 5311 of such title to expand service in non-urban areas;

(5) an expansion of the service area or the frequency of service of recipients or subrecipients

under sections 5307 or 5311 of such title, including the provision of fare-free or reduced-fare service;

(6) renovation or construction of facilities and incidental expenses related to transit service in disadvantaged communities or neighborhoods or service that benefits low-income riders generally;

(7) additional assistance to project sponsors of new fixed guideway capital projects, core capacity improvement projects, or corridor-based bus rapid transit projects not yet open to revenue service, notwithstanding applicable requirements regarding Government share of contributions toward net project cost of the project or the share of contributions provided by the Administrator of the Federal Transit Administration, if—

(A) the applicant demonstrates that the availability of funding under this section provides additional support for transit services consistent with the requirements in subsection (a); and

(B) assistance under this paragraph does not increase by more than 10 percentage points—

(i) the Government share of contributions toward net project cost; or

(ii) the Government share of assistance from a program carried out by the Administrator of the Federal Transit Administration;

(8) fleet transition, route, or other public transportation planning, including planning related to economic development; and

(9) projects to upgrade the accessibility of bus or rail public transportation services for persons with disabilities, including individuals who use wheelchairs.

(d) RESEARCH, TECHNICAL ASSISTANCE, AND TRAINING.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2026, for grants under sections 5312 or 5314 of title 49, United States Code, (excluding grants related to any activities or agreements with international entities or foreign nationals) for—

(1) activities under section 5312 of such title that support efforts to reduce barriers to the deployment of zero-emission transit vehicles in disadvantaged communities or neighborhoods and rural areas, including barriers related to the cost of such vehicles; and

(2) activities under section 5314 of such title for training and development activities to support the provision of service to disadvantaged communities or neighborhoods and rural areas.

(e) ADMINISTRATIVE EXPENSES.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for administrative expenses and oversight costs of carrying out this section and to make new awards or to increase prior awards to provide technical assistance and capacity building for eligible recipients or subrecipients under this section.

(f) PERIOD OF AVAILABILITY.—Any funds provided from the general fund of the Treasury to carry out grants under section 5339(c) of title 49, United States Code, for fiscal years 2025 and 2026 shall remain available until September 30, 2028.

SEC. 110002. COMMUNITY CLIMATE INCENTIVE GRANT PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''§ 177. Community climate incentive grant program

''(a) ESTABLISHMENT.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration—

''(1) to establish a greenhouse gas performance measure that requires States to set performance targets to reduce greenhouse gas emissions;

''(2) to establish an incentive structure to reward States that demonstrate the most significant progress toward achieving reductions in greenhouse gas emissions;

''(3) to establish consequences for States that do not achieve reductions in greenhouse gas emissions;

''(4) to issue guidance and regulations and provide technical assistance as necessary to implement this section; and

''(5) for operations and administration of the Federal Highway Administration in carrying out this section.

''(b) INCENTIVE GRANTS TO STATES.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $950,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration for incentive grants for carbon reduction projects, to be awarded to States that—

''(1) qualify for a reward under the incentive structure established by the Administrator of the Federal Highway Administration under subsection (a)(2); or

''(2) have incorporated carbon reduction strategies that contribute to achieving net zero greenhouse gas emissions by 2050 into the transportation plans required under section 135.

''(c) COMMUNITY CLIMATE GRANTS TO OTHER ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration to award grants, on a competitive basis, for carbon reduction projects to eligible entities that are not States.

''(2) FEDERAL SHARE.—The Federal share of the cost of a project carried out with a grant under this subsection may be up to 100 percent.

''(d) USE OF FUNDS.—

''(1) IN GENERAL.—A project carried out under subsection (b) or (c) shall be treated as a project on a Federal-aid highway.

''(2) COMPLIANCE WITH EXISTING REQUIREMENTS.—Funds made available for a grant under subsection (b), and funds made available for a grant under subsection (c) that are administered by or through a State department of transportation, shall be expended in compliance with the U.S. Department of Transportation's Disadvantaged Business Enterprise Program.

''(e) LIMITATION.—Funds made available under this section shall not—

''(1) be subject to any restriction or limitation on the total amount of funds available for implementation or execution of programs authorized for Federal-aid highways; or

''(2) be used for projects that result in additional through travel lanes for single occupant passenger vehicles.

''(f) DEFINITIONS.—In this section:

''(1) CARBON REDUCTION PROJECT.—The term 'carbon reduction project' means a project—

''(A) that is eligible under this title; and

''(B) that—

''(i) will result in significant reductions in greenhouse gas emissions related to a surface transportation facility or project;

''(ii) provides zero-emission transportation options;

''(iii) reduces dependence on single-occupant vehicle trips; or

''(iv) advances carbon reduction strategies adopted by an eligible entity that contribute to achieving net-zero greenhouse gas emissions by 2050.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a unit of local government;

''(B) a political subdivision of a State;

''(C) a territory;

''(D) a metropolitan planning organization (as defined in section 134(b)(2));

''(E) a special purpose district or public authority with a transportation function;

''(F) an entity described in section 207(m)(1)(E); or

''(G) a State.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''177. Community climate incentive grant program.''.

SEC. 110003. NEIGHBORHOOD ACCESS AND EQUITY GRANT PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

''§ 178. Neighborhood access and equity grant program

''(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,370,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration for competitive grants to eligible entities described in subsection (b)—

''(1) to improve walkability, safety, and affordable transportation access through construction of projects that are context-sensitive—

''(A) to remove, remediate, or reuse a facility described in subsection (c)(1);

''(B) to replace a facility described in subsection (c)(1) with a facility that is at-grade or lower speed;

''(C) to retrofit or cap a facility described in subsection (c)(1);

''(D) to build or improve complete streets, multiuse trails, regional greenways, or active transportation networks and spines; or

''(E) to provide affordable access to essential destinations, public spaces, or transportation links and hubs;

''(2) to mitigate or remediate negative impacts on the human or natural environment resulting from a facility described in subsection (c)(2) in a disadvantaged or underserved community, including construction of—

''(A) noise barriers to reduce impacts resulting from a facility described in subsection (c)(2);

''(B) technologies, infrastructure, and activities to reduce surface transportation-related air pollution, including greenhouse gas emissions;

''(C) infrastructure or protective features to reduce or manage stormwater run-off resulting from a facility described in subsection (c)(2), including through natural infrastructure and pervious, permeable, or porous pavement;

''(D) infrastructure and natural features to reduce or mitigate urban heat island hot spots in the transportation right-of-way or on surface transportation facilities; or

''(E) safety improvements for vulnerable road users; and

''(3) for planning and capacity building activities in disadvantaged or underserved communities to—

''(A) identify, monitor, or assess local and ambient air quality, emissions of transportation greenhouse gases, hot spot areas of extreme heat or elevated air pollution, gaps in tree canopy coverage, or flood prone transportation infrastructure;

''(B) assess transportation equity or pollution impacts and develop local anti-displacement policies and community benefit agreements;

''(C) conduct predevelopment activities for projects eligible under this subsection;

''(D) expand public participation in transportation planning by individuals and organizations in disadvantaged or underserved communities; or

''(E) administer or obtain technical assistance related to activities described in this subsection.

''(b) ELIGIBLE ENTITIES DESCRIBED.—An eligible entity referred to in subsection (a) is—

''(1) a State;
''(2) a unit of local government;
''(3) a political subdivision of a State;
''(4) an entity described in section 207(m)(1)(E);
''(5) a territory of the United States;
''(6) a special purpose district or public authority with a transportation function;
''(7) a metropolitan planning organization (as defined in section 134(b)(2)); or
''(8) with respect to a grant described in subsection (a)(3), in addition to an eligible entity described in paragraphs (1) through (7), a nonprofit organization or institution of higher education that has entered into a partnership with an eligible entity described in paragraphs (1) through (7).

''(c) FACILITY DESCRIBED.—A facility referred to in subsection (a) is—
''(1) a surface transportation facility for which high speeds, grade separation, or other design factors create an obstacle to connectivity within a community; or
''(2) a surface transportation facility which is a source of air pollution, noise, stormwater, or other burden to a disadvantaged or underserved community.

''(d) INVESTMENT IN ECONOMICALLY DISADVANTAGED COMMUNITIES.—
''(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,580,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration to provide grants for projects in communities described in paragraph (2) for the same purposes and administered in the same manner as described in subsection (a).
''(2) COMMUNITIES DESCRIBED.—A community referred to in paragraph (1) is a community that—
''(A) is economically disadvantaged, including an underserved community or a community located in an area of persistent poverty;
''(B) has entered or will enter into a community benefits agreement with representatives of the community;
''(C) has an anti-displacement policy, a community land trust, or a community advisory board in effect; or
''(D) has demonstrated a plan for employing local residents in the area impacted by the activity or project proposed under this section.

''(e) ADMINISTRATION.—
''(1) IN GENERAL.—A project carried out under subsection (a) or (d) shall be treated as a project on a Federal-aid highway.
''(2) COMPLIANCE WITH EXISTING REQUIREMENTS.—Funds made available for a grant under this section and administered by or through a State department of transportation shall be expended in compliance with the U.S. Department of Transportation's Disadvantaged Business Enterprise Program.

''(f) COST SHARE.—The Federal share of the cost of an activity carried out using a grant awarded under this section shall be not more than 80 percent, except that the Federal share of the cost of a project in a disadvantaged or underserved community may be up to 100 percent.

''(g) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration for—
''(1) guidance, technical assistance, templates, training, or tools to facilitate efficient and effective contracting, design, and project delivery by units of local government;
''(2) subgrants to units of local government to build capacity of such units of local government to assume responsibilities to deliver surface transportation projects; and
''(3) operations and administration of the Federal Highway Administration.

''(h) LIMITATIONS.—Amounts made available under this section shall not—
''(1) be subject to any restriction or limitation on the total amount of funds available for implementation or execution of programs authorized for Federal-aid highways; and
''(2) be used for a project for additional through travel lanes for single-occupant passenger vehicles.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

''178. Neighborhood access and equity grant program.''.

SEC. 110004. TERRITORIAL HIGHWAY PROGRAM FUNDING.

(a) IN GENERAL.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $320,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration for distribution under section 165(c) of title 23, United States Code.

(b) LIMITATION.—Funds made available under this section shall not be subject to any restriction or limitation on the total amount of funds available for implementation or execution of programs authorized for Federal-aid highways.

SEC. 110005. TRAFFIC SAFETY CLEARINGHOUSE.

(a) IN GENERAL.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $47,500,000 to remain available until September 30, 2026, for the Administrator of the National Highway Traffic Safety Administration to make 1 or more grants, cooperative agreements, or contracts with 1 or more qualified institutions to—
(1) operate a national clearinghouse for fair and equitable traffic safety enforcement programs;
(2) conduct research relating to, and develop, systems for States to collect traffic safety enforcement data, and provide technical assistance to States collecting such data, including the sharing of data to a national database;
(3) develop recommendations and best practices to help States collect and use traffic safety enforcement data to promote equity and reduce traffic-related fatalities and injuries; and
(4) develop information and educational programs relating to implementing equitable traffic safety enforcement best practices to assist States and local communities.

(b) ADMINISTRATION.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,500,000 to remain available until September 30, 2026, for the Administrator of the National Highway Traffic Safety Administration for the salaries, expenses, and costs of administering this section.

(c) DEFINITION OF STATE.—In this section the term ''State'' has the meaning given the term in section 401 of title 23, United States Code.

SEC. 110006. PASSENGER RAIL IMPROVEMENT, MODERNIZATION, AND EMISSIONS REDUCTION GRANTS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Transportation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000,000, to remain available until September 30, 2026, for financial assistance under sections 26101 and 26106 of title 49, United States Code, to eligible entities for eligible projects.

(b) DEFINITIONS.—In this section:
(1) CORRIDOR.—The term ''corridor'' means an existing, modified, or proposed intercity passenger rail service (as defined in section 26106(b)(5) of title 49, United States Code).
(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means—
(A) an entity that is eligible to receive financial assistance under section 26101 of title 49, United States Code; and
(B) an applicant that is eligible to receive a grant under section 26106 of title 49, United States Code.
(3) ELIGIBLE PROJECT.—The term ''eligible project'' means—
(A) a planning project for high-speed rail corridor development that consists of planning activities eligible to receive financial assistance under section 26101(b)(1) of title 49, United States Code; and
(B) a capital project for high-speed rail corridor development that—
(i) is eligible to receive a grant for a capital project (as defined in section 26106(b)(3) of title 49, United States Code); and
(ii) directly serves rail stations within urban areas (as published by the Bureau of the Census) that are located in close proximity to a census tract (as published by the Bureau of the Census) within the urban area that has a greater density population than the urban area as a whole.
(4) HIGH-SPEED RAIL.—The term ''high-speed rail'' means non-highway ground transportation that is owned or operated by an eligible entity and reasonably expected to reach speeds of—
(A) 160 miles per hour or faster on a shared use right-of-way; or
(B) 186 miles per hour or faster on a dedicated right-of-way.

(c) ALLOCATION.—Not less than $1,000,000,000 of the amounts appropriated by subsection (a) shall be used for eligible projects described in subsection (b)(3)(A).

(d) FEDERAL SHARE.—For any financial assistance and grants provided pursuant to this section, the Federal share may not exceed 90 percent of the total cost of the eligible project.

(e) OVERSIGHT.—Not more than $100,000,000 of the amounts appropriated by subsection (a) may be used by the Secretary of Transportation for the costs of award and project management of financial assistance provided under this section.

SEC. 110007. ALTERNATIVE FUEL AND LOW-EMISSION AVIATION TECHNOLOGY PROGRAM.

(a) APPROPRIATION AND ESTABLISHMENT.—For purposes of establishing a competitive grant program to provide grants to eligible entities to carry out projects located in the United States that produce, transport, blend, or store sustainable aviation fuel, or develop, demonstrate, or apply low-emission aviation technologies, in addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2026—
(1) $247,000,000 for projects relating to the production, transportation, blending, or storage of sustainable aviation fuel;
(2) $47,000,000 for projects relating to low-emission aviation technologies; and
(3) $6,000,000 to fund the award of grants under this section, and oversight of the program, by the Secretary.

(b) CONSIDERATIONS.—In carrying out subsection (a), the Secretary shall consider, with respect to a proposed project—
(1) the capacity for the eligible entity to increase the domestic production and deployment of sustainable aviation fuel or the use of low-emission aviation technologies among the United States commercial aviation and aerospace industry;
(2) the projected greenhouse gas emissions from such project, including emissions resulting from the development of the project, and the potential the project has to reduce or displace, on a lifecycle basis, United States greenhouse gas emissions associated with air travel;
(3) the capacity to create new jobs and develop supply chain partnerships in the United States;

(4) for projects related to the production of sustainable aviation fuel, the projected lifecycle greenhouse gas emissions benefits from the proposed project, which shall include feedstock and fuel production and potential direct and indirect greenhouse gas emissions (including resulting from changes in land use); and

(5) the benefits of ensuring a diversity of feedstocks for sustainable aviation fuel, including the use of waste carbon oxides and direct air capture.

(c) COST SHARE.—The Federal share of the cost of a project carried out using grant funds under subsection (a) shall be a maximum of 90 percent of the proposed total cost of the project, and the Secretary shall consider the extent to which a proposed project meets the considerations described in subsection (b) in determining the Federal share under this subsection.

(d) FUEL EMISSIONS REDUCTION TEST.—For purposes of clause (ii) of subsection (e)(7)(E), the Secretary shall, not later than 2 years after the date of enactment of this section, adopt at least 1 methodology for testing lifecycle greenhouse gas emissions that meets the requirements of such clause.

(e) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a State or local government, including the District of Columbia, other than an airport sponsor;

(B) an air carrier;

(C) an airport sponsor;

(D) an accredited institution of higher education;

(E) a research institution;

(F) a person or entity engaged in the production, transportation, blending, or storage of sustainable aviation fuel in the United States or feedstocks in the United States that could be used to produce sustainable aviation fuel;

(G) a person or entity engaged in the development, demonstration, or application of low-emission aviation technologies; or

(H) nonprofit entities or nonprofit consortia with experience in sustainable aviation fuels, low-emission aviation technologies, or other clean transportation research programs.

(2) FEEDSTOCK.—The term ''feedstock'' means sources of hydrogen and carbon not originating from unrefined or refined petrochemicals.

(3) INDUCED LAND-USE CHANGE VALUES.—The term ''induced land-use change values'' means the greenhouse gas emissions resulting from the conversion of land to the production of feedstocks and from the conversion of other land due to the displacement of crops or animals for which the original land was previously used.

(4) LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term ''lifecycle greenhouse gas emissions'' means the combined greenhouse gas emissions from feedstock production, collection of feedstock, transportation of feedstock to fuel production facilities, conversion of feedstock to fuel, transportation and distribution of fuel, and fuel combustion in an aircraft engine, as well as from induced land-use change values.

(5) LOW-EMISSION AVIATION TECHNOLOGIES.—The term ''low-emission aviation technologies'' means technologies, produced in the United States, that significantly—

(A) improve aircraft fuel efficiency;

(B) increase utilization of sustainable aviation fuel; or

(C) reduce greenhouse gas emissions produced during operation of civil aircraft.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(7) SUSTAINABLE AVIATION FUEL.—The term ''sustainable aviation fuel'' means liquid fuel, produced in the United States, that—

(A) consists of synthesized hydrocarbons;

(B) meets the requirements of—

(i) ASTM International Standard D7566; or

(ii) the co-processing provisions of ASTM International Standard D1655, Annex A1 (or such successor standard);

(C) is derived from biomass (in a similar manner as such term is defined in section 45K(c)(3) of the Internal Revenue Code of 1986), waste streams, renewable energy sources, or gaseous carbon oxides;

(D) is not derived from palm fatty acid distillates; and

(E) achieves at least a 50 percent lifecycle greenhouse gas emissions reduction in comparison with petroleum-based jet fuel, as determined by a test that shows—

(i) the fuel production pathway achieves at least a 50 percent reduction of the aggregate attributional core lifecycle emissions and the induced land use change values under a lifecycle methodology for sustainable aviation fuels similar to that adopted by the International Civil Aviation Organization with the agreement of the United States; or

(ii) the fuel production pathway achieves at least a 50 percent reduction of the aggregate attributional core lifecycle greenhouse gas emissions values and the induced land-use change values under another methodology that the Secretary determines is—

(I) reflective of the latest scientific understanding of lifecycle greenhouse gas emissions; and

(II) as stringent as the requirement under clause (i).

SEC. 110008. ASSISTANCE TO UPDATE AND ENFORCE HAZARD RESISTANT CODES AND STANDARDS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $145,500,000, to remain available until expended, to the Administrator of the Federal Emergency Management Agency for the Building Resilient Infrastructure and Communities Program for activities and grants that provide technical assistance and capacity building, for which the Federal cost share shall be 100 percent, to State, local, Indian Tribal, territorial, or the District of Columbia governments for establishing, implementing, and carrying out enforcement activities of the latest published editions of relevant performance-based and consensus-based codes, specifications, and standards, including amendments made by State, local, Indian Tribal, territorial, or the District of Columbia governments during the adoption process, that incorporate—

(1) the latest hazard-resistant designs; and

(2) the latest requirements for the maintenance and inspection of existing buildings to address hazard risk.

(b) ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise available, $4,500,000 to the Administrator of the Federal Emergency Management Agency, to remain available until expended, for administrative expenses of carrying out this section.

SEC. 110009. ECONOMIC DEVELOPMENT ADMINISTRATION.

(a) ECONOMIC DEVELOPMENT ASSISTANCE FOR REGIONAL ECONOMIC GROWTH CLUSTERS.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,360,000,000, to remain available until September 30, 2031, to the Secretary of Commerce (referred to in this section as the ''Secretary'') for grants under section 209 (except for assistance authorized by section 209(c)(1)) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149) to develop regional economic growth clusters, including grants for technical assistance, planning, and predevelopment activities, subject to the condition that sections 204 and 301 of such Act (42 U.S.C. 3144 and 3161) shall not apply to grants made with amounts made available under this subsection.

(b) RECOMPETE GRANTS FOR PERSISTENTLY DISTRESSED COMMUNITIES.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,200,000,000, to remain available until September 30, 2031, to the Secretary of Commerce for economic adjustment assistance as authorized by section 209 (except for assistance authorized by section 209(c)(1)) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149) to provide grants to eligible recipients (as defined in section 3 of such Act) to alleviate economic distress and support long-term comprehensive economic development and job creation in persistently distressed local labor markets and local communities, except that sections 204 and 301 of such Act (42 U.S.C. 3144 and 3161) shall be inapplicable to such grants.

(2) RECOMPETE PLAN.—As a condition of receipt of a grant described under paragraph (1), an eligible recipient shall submit a comprehensive 10-year economic development plan for approval by the Secretary that includes—

(A) proposed programs and activities to be carried out with a grant awarded under this subsection to address the economic challenges of the local labor market or local community in a manner that promotes long-term, sustained economic growth, quality job creation, and local prime-age employment growth;

(B) projected costs, annual expenditures, and a proposed grant disbursement schedule; and

(C) other local economic information and periodic benchmarking criteria as the Secretary determines appropriate.

(3) MAXIMUM AWARD AMOUNT.—In determining the maximum amount of a grant that may be awarded under paragraph (1) for the purposes of implementing and carrying out the programs and activities identified in an approved recompete plan described in paragraph (2), the Secretary shall use the product obtained by multiplying—

(A) the difference in the prime-age employment rate between the United States and the local labor market or local community;

(B) the prime-age population of the local labor market or local community; and

(C) either—

(i) $70,585 for local labor markets with a prime-age employment rate not less than 2.5 percent below the United States; or

(ii) $53,600 for local communities with a prime-age employment rate not less than 5 percent below the United States.

(4) DEFINITIONS.—In this subsection:

(A) LOCAL LABOR MARKET.—The term ''local labor market'' means any of the following areas that contains 1 or more recipients eligible under paragraph (1):

(i) A metropolitan statistical area or micropolitan statistical area, excluding any area described in clause (iii).

(ii) A commuting zone, excluding any areas described in clauses (i) and (iii).

(iii) Tribal land subject to the jurisdiction of an Indian Tribe.

(B) LOCAL COMMUNITY.—The term ''local community'' means the area served by a unit of general local government that is located within, but does not cover the entire area of, a local labor market that does not meet the criteria described in paragraph (3)(C)(i).

(c) ECONOMIC ADJUSTMENT ASSISTANCE FOR ENERGY AND INDUSTRIAL TRANSITION COMMUNITIES.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $240,000,000, to remain available until September 30, 2027, to the Secretary of Commerce for economic adjustment assistance as authorized by section 209 (except for assistance authorized by section 209(c)(1)) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149) to provide assistance, including grants for technical assistance, planning, and predevelopment activities, to energy and industrial transition communities, including oil, gas,

coal, nuclear, and biomass transition communities, and manufacturing transition communities.

(d) ECONOMIC ADJUSTMENT ASSISTANCE FOR TECHNICAL ASSISTANCE, PROJECT PREDEVELOPMENT, AND CAPACITY BUILDING.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $240,000,000, to remain available until September 30, 2027, to the Secretary of Commerce for economic adjustment assistance as authorized by section 209 (except for assistance authorized by section 209(c)(1)) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149) to provide grants for technical assistance, project predevelopment, and capacity building activities, including activities relating to the writing of grant applications (consistent with section 213 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3153)) and stipends to local community organizations for planning participation, community outreach and engagement activities, subject to the conditions that—

(1) sections 204 and 301 of such Act shall not apply to grants made with amounts made available under this subsection; and

(2) not less than 50 percent of the amounts made available under this subsection shall be for activities that are carried out in underserved communities.

(e) ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $210,000,000, to remain available until September 30, 2031, for the administrative expenses of carrying out this section.

SEC. 110010. ASSISTANCE FOR FEDERAL BUILDINGS.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2031, to be deposited in the Federal Buildings Fund established under section 592 of title 40, United States Code, for measures necessary to convert facilities of the Administrator of General Services to high-performance green buildings (as defined in section 401 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061)).

SEC. 110011. CLIMATE RESILIENT COAST GUARD INFRASTRUCTURE.

In addition to amounts otherwise available, there is appropriated to the Coast Guard for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $650,000,000, to remain available until September 30, 2031, for the acquisition, design, and construction of new, or replacement of existing, climate resilient facilities, including personnel readiness facilities such as family support services facilities, that are threatened by or have been impacted by climate change, as authorized under sections 504(e) and 1101(b)(1) of title 14, United States Code.

SEC. 110012. GREAT LAKES ICEBREAKER ACQUISITION.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Coast Guard for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $350,000,000, to remain available until September 30, 2031, for acquisition, design, and construction of a Great Lakes heavy icebreaker, as authorized under section 8107 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

(b) LIMITATION.—The funds made available under this section are subject to the condition that the Coast Guard shall not—

(1) enter into an agreement involving funds made available under subsection (a) if such agreement—

(A) is for a term extending beyond September 30, 2031; or

(B) involves any payment that could be made or funds disbursed using amounts made available under subsection (a) after September 30, 2031; or

(2) use any other funds available to the Coast Guard to satisfy obligations initially made under subsection (a).

SEC. 110013. PORT INFRASTRUCTURE AND SUPPLY CHAIN RESILIENCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $600,000,000, to remain available until September 30, 2026, to the Maritime Administration for the purposes of making grants for projects to support supply chain resilience, reduction in port congestion, and the development of offshore wind through the program under section 50302(c) of title 46, United States Code.

(b) LIMITATIONS.—The funds made available under this section are subject to the condition that the Secretary of Transportation shall not—

(1) enter into an agreement involving funds made available under subsection (a) if such agreement—

(A) is for a term extending beyond September 30, 2031; or

(B) involves any payment that could be made or funds disbursed using amounts made available under subsection (a) after September 30, 2031; or

(2) use any other funds available to the Secretary to satisfy obligations initially made under subsection (a).

SEC. 110014. ALTERNATIVE WATER SOURCE PROJECT GRANTS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $125,000,000, to remain available until expended, for carrying out section 220 of the Federal Water Pollution Control Act (33 U.S.C. 1300), in accordance with subsection (b), which funds may be used to make grants under such section on the condition that—

(1) a project carried out using such funds shall, to the maximum extent practicable, maximize the avoidance, minimization, or mitigation of climate change impacts on, and of, any constructed part of the project (including through the implementation of technologies to recover and reuse energy produced in the treatment of wastewater); and

(2) all of the iron and steel used in the project are produced in the United States in accordance with section 608 of such Act (33 U.S.C. 1388).

(b) LIMITATIONS.—For purposes of subsection (a)—

(1) the limitation in section 220(d)(1) of the Federal Water Pollution Control Act (as in effect on September 1, 2021), as it applies to the receipt of planning or design funds, shall not apply with respect to eligibility for a grant under this section; and

(2) the requirements of sections 220(d)(2) and (e) of such Act (as in effect on September 1, 2021) shall not apply to the making of a grant under this section.

(c) ADMINISTRATIVE COSTS.—Of the amounts made available under subsection (a), the Administrator of the Environmental Protection Agency shall reserve 4 percent for the administrative costs of carrying out this section.

SEC. 110015. SEWER OVERFLOW AND STORMWATER REUSE MUNICIPAL GRANTS.

(a) GENERAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until expended, for carrying out section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301), which funds may be used to make grants under such section on the condition that any activity carried out using such funds shall, to the maximum extent practicable, maximize the avoidance, minimization, or mitigation of climate change impacts on, and of, any constructed part of the activity (including through the implementation of technologies to recover and reuse energy produced in the treatment of wastewater).

(b) FINANCIALLY DISTRESSED COMMUNITIES.—

(1) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,350,000,000, to remain available until expended, for carrying out section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301), which funds may be used to make grants under such section to a financially distressed community (as defined in such section), or an Indian tribe or other entity described in section 518(c)(3) of such Act, on the condition that any activity carried out using such funds shall, to the maximum extent practicable, maximize the avoidance, minimization, or mitigation of climate change impacts on, and of, any constructed part of the activity (including through the implementation of technologies to recover and reuse energy produced in the treatment of wastewater).

(2) LIMITATION.—In carrying out paragraph (1), the Administrator of the Environmental Protection Agency may not require a financially distressed community, Indian tribe, or entity receiving a grant pursuant to this subsection to provide, as a condition of eligibility to receive such grant, a share of the cost of the activity for which the grant was made.

(c) ADMINISTRATIVE COSTS.—Of the amounts made available under each of subsections (a) and (b), the Administrator of the Environmental Protection Agency shall reserve 4 percent for the administrative costs of carrying out this section.

SEC. 110016. INDIVIDUAL HOUSEHOLD DECENTRALIZED WASTEWATER TREATMENT SYSTEM GRANTS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until expended—

(1) $75,000,000 to make grants to States, municipalities, and nonprofit entities under the Federal Water Pollution Control Act for the construction, repair, or replacement of individual household decentralized wastewater treatment systems of eligible individuals (as such term is defined in section 603(j) of the Federal Water Pollution Control Act (33 U.S.C. 1383(j))); and

(2) $75,000,000 to make grants to States, municipalities, and nonprofit entities under such Act for the construction, repair, or replacement of individual household decentralized wastewater treatment systems of eligible individuals (as so defined) residing in households that are not connected to a system or technology designed to treat domestic sewage, including eligible individuals using household cesspools.

(b) ADMINISTRATIVE COSTS.—Of the amounts made available under subsection (a), the Administrator of the Environmental Protection Agency shall reserve 7 percent for the administrative costs of carrying out this section.

SEC. 110017. DISASTER RELIEF.

The Administrator of the Federal Emergency Management Agency may provide financial assistance through September 30, 2026, pursuant to section 203(h), 404(a), and 406(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(h); 42 U.S.C. 5170c(a); 42 U.S.C. 5172(b)) for—

(1) costs associated with low-carbon materials; and

(2) incentives that encourage low-carbon and net-zero energy projects, which may include an increase in the Federal cost share.

SEC. 110018. ENVIRONMENTAL REVIEW IMPLEMENTATION FUNDS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

''§ 179. Environmental review implementation funds

''(a) ESTABLISHMENT.—In addition to amounts otherwise available, for fiscal year 2022, there is appropriated to the Administrator, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2026, for the purpose of facilitating the development and review of documents for the environmental review process for proposed projects, including through—

''(1) the provision of guidance, technical assistance, templates, training, or tools to facilitate an efficient and effective environmental review process for surface transportation projects, including any administrative expenses of the Federal Highway Administration to conduct such activities; and

''(2) providing funds made available under this subsection to eligible entities—

''(A) to build capacity of such eligible entities and facilitate the environmental review process for proposed projects, including—

''(i) defining the scope or study areas;

''(ii) identifying impacts, mitigation measures, and reasonable alternatives;

''(iii) preparing planning and environmental studies and other documents prior to and during the environmental review process, for potential use in the environmental review process in accordance with applicable statutes and regulations;

''(iv) conducting public engagement activities; and

''(v) carrying out other activities, including permitting activities, as the Administrator determines to be appropriate, to support the timely completion of an environmental review process required for a proposed project; and

''(B) for administrative expenses of the eligible entity to conduct any of the activities described in subparagraph (A).

''(b) COST SHARE.—

''(1) IN GENERAL.—The Federal share of the cost of an activity carried out under this section by an eligible entity shall be not more than 80 percent.

''(2) SOURCE OF FUNDS.—The non-Federal share of the cost of an activity carried out under this section by an eligible entity may be satisfied using funds made available to the eligible entity under any other Federal, State, or local grant program, including funds made available to the eligible entity under this title or administered by the U.S. Department of Transportation.

''(c) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Highway Administration.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State;

''(B) a unit of local government;

''(C) a political subdivision of a State;

''(D) a territory of the United States;

''(E) an entity described in section 207(m)(1)(E);

''(F) a recipient of funds under section 203; or

''(G) a metropolitan planning organization (as defined in section 134(b)(2)).

''(3) ENVIRONMENTAL REVIEW PROCESS.—The term 'environmental review process' has the meaning given the term in section 139(a)(3).

''(4) PROPOSED PROJECT.—The term 'proposed project' means a surface transportation project for which an environmental review process is required.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

''179. Environmental review implementation funds.''.

SEC. 110019. LOW-CARBON TRANSPORTATION MATERIALS GRANTS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

''§ 180. Low-carbon transportation materials grants

''(a) FEDERAL HIGHWAY ADMINISTRATION APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $900,000,000, to remain available until September 30, 2026, to the Administrator to reimburse eligible recipients for the incremental costs of using low-embodied carbon construction materials and products in projects and for the administrative costs of carrying out this section.

''(b) REIMBURSEMENT OF INCREMENTAL COSTS; INCENTIVES.—

''(1) REIMBURSEMENT OF INCREMENTAL COSTS.—

''(A) IN GENERAL.—The Administrator shall, subject to the availability of funds, reimburse eligible recipients that use low-embodied carbon construction materials and products on a project funded under this title.

''(B) AMOUNT.—The amount of reimbursement under subparagraph (A) shall be the incrementally higher cost of using such materials relative to the cost of using traditional materials, as determined by the eligible recipient and verified by the Administrator.

''(2) INCENTIVE.—If a reimbursement is provided under paragraph (1), the total Federal share payable for the project for which the reimbursement is provided shall be up to 100 percent.

''(3) LIMITATIONS.—

''(A) IN GENERAL.—The Administrator shall only provide a reimbursement under paragraph (1) for a project on a—

''(i) Federal-aid highway;

''(ii) tribal transportation facility;

''(iii) Federal lands transportation facility; or

''(iv) Federal lands access transportation facility.

''(B) OTHER RESTRICTIONS.—Amounts made available under this section shall not be subject to any restriction or limitation on the total amount of funds available for implementation or execution of programs authorized for Federal-aid highways.

''(C) SINGLE OCCUPANT PASSENGER VEHICLES.—Funds made available under this section shall not be used for projects that result in additional through travel lanes for single occupant passenger vehicles.

''(4) MATERIALS IDENTIFICATION.—The Administrator shall review the low-embodied carbon construction materials and products identified by the Administrator of the Environmental Protection Agency and shall identify low-embodied carbon construction materials and products—

''(A) appropriate for use in projects eligible under this title; and

''(B) eligible for reimbursement under this section.

''(c) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Highway Administration.

''(2) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means—

''(A) a State;

''(B) a unit of local government;

''(C) a political subdivision of a State;

''(D) a territory of the United States;

''(E) an entity described in section 207(m)(1)(E));

''(F) a recipient of funds under section 203;

''(G) a metropolitan planning organization (as defined in section 134(b)(2)); or

''(H) a special purpose district or public authority with a transportation function.

''(3) EMBODIED CARBON.—The term 'embodied carbon' means the quantity of greenhouse gas emissions associated with all relevant stages of production of a material or product, measured in kilograms of carbon dioxide-equivalent per unit of such material or product.

''(4) LOW-EMBODIED CARBON CONSTRUCTION MATERIALS AND PRODUCTS.—The term 'low-embodied carbon construction materials and products' means materials and products identified by the Administrator of the Environmental Protection Agency as having substantially lower levels of embodied carbon compared to estimated industry averages of similar products or materials.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

''180. Low-carbon transportation materials grants.''.

SEC. 110020. SOUTHWEST BORDER REGIONAL COMMISSION.

In addition to amounts otherwise available, there is appropriated to the Southwest Border Regional Commission for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $33,000,000, to remain available until September 30, 2031, to carry out activities authorized by subtitle V of title 40, United States Code.

TITLE XII—COMMITTEE ON VETERANS AFFAIRS

SEC. 120001. DEPARTMENT OF VETERANS AFFAIRS INFRASTRUCTURE IMPROVEMENTS.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,317,000,000, to remain available until September 30, 2031, for facilities under the jurisdiction of, or for the use of, the Department of Veterans Affairs to carry out sections 2400, 2403, 2404, 2406, 2407, 2412, 8101, 8102 (except for section 8102(d)), 8103 (except for super construction projects as defined in section 8103(e)(3)), 8104 through 8110, 8122, and 8161 through 8169 of title 38, United States Code, taking into consideration the integration of climate resiliency into infrastructure as well as the needs of underserved areas and underserved veteran populations.

SEC. 120002. MODIFICATIONS TO ENHANCED-USE LEASE AUTHORITY OF DEPARTMENT OF VETERANS AFFAIRS.

(a) MODIFICATIONS TO AUTHORITY.—Paragraph (2) of section 8162(a) of title 38, United States Code, is amended to read as follows:

''(2)(A) The Secretary may enter into an enhanced-use lease on or after the date of the enactment of this paragraph only if the Secretary determines—

''(i) that the lease will not be inconsistent with, and will not adversely affect—

''(I) the mission of the Department; or

''(II) the operation of facilities, programs, and services of the Department in the local area; and

''(ii) that—

''(I) the lease will enhance the use of the leased property by directly or indirectly benefitting veterans; or

''(II) the leased property will provide supportive housing.

''(B) The Secretary shall give priority to enhanced-use leases that, on the leased property—

''(i) provide supportive housing for veterans;

''(ii) provide direct services or benefits targeted to veterans; or

''(iii) provide services or benefits that indirectly support veterans.''.

(b) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $455,000,000 for the Department of Veterans Affairs, to remain available until expended, to enter into enhanced-use leases pursuant to section 8162 of

title 38, United States Code, as amended by this section.

(c) MODIFICATION OF SUNSET.—Section 8169 of such title is amended by striking ''December 31, 2023'' and inserting ''September 30, 2026''.

SEC. 120003. MAJOR MEDICAL FACILITY LEASES OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) AUTHORITY TO ENTER INTO MAJOR MEDICAL FACILITY LEASES.—Paragraph (2) of subsection (a) of section 8104 of title 38, United States Code, is amended—

(1) by striking ''No funds'' and inserting ''(A) No funds'';

(2) by striking ''or any major medical facility lease'';

(3) by striking ''or lease''; and

(4) by adding at the end the following new subparagraph:

''(B) Funds may be appropriated for a fiscal year, and the Secretary may obligate and expend funds, including for advance planning and design, for any major medical facility lease.''.

(b) MODIFICATION OF DEFINITION OF MAJOR MEDICAL FACILITY LEASE.—Subparagraph (B) of paragraph (3) of such subsection is amended to read as follows:

''(B) The term 'major medical facility lease'—

''(i) means a lease for space for use as a new medical facility approved through the General Services Administration under section 3307(a)(2) of title 40 at an average annual rent equal to or greater than the dollar threshold described in such section, which shall be subject to annual adjustment in accordance with section 3307(h) of such title; and

''(ii) does not include a lease for space for use as a shared Federal medical facility for which the Department's estimated share of the lease costs does not exceed such dollar threshold.''.

(c) INTERIM LEASING ACTIONS.—Such section is further amended by adding at the end the following new subsection:

''(i)(1) The Secretary may carry out interim leasing actions for major medical facility leases (as defined in subsection (a)(3)(B)).

''(2) In this subsection, the term 'interim leasing actions' has the meaning given that term by the Administrator of the General Services Administration.''.

(d) APPLICABILITY.—The amendments made by this section shall apply with respect to a major medical facility lease of the Department of Veterans Affairs that has not been specifically authorized by law on or before the date of the enactment of this Act and is included as part of the annual budget submission of the Department of Veterans Affairs for fiscal year 2022, 2023, or 2024.

(e) PURCHASE OPTIONS.—The Secretary of Veterans Affairs may obligate and expend funds to exercise a purchase option included in any major medical facility lease described in subsection (d).

(f) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,805,000,000, to remain available until expended, for major medical facility leases pursuant to subchapter I of chapter 81 of title 38, United States Code, as amended by this section, as requested in the annual budget submission of the Department of Veterans Affairs for fiscal year 2022, 2023, or 2024.

(g) TERMINATION AND RESTORATION.—

(1) IN GENERAL.—Effective upon the date of execution of the final lease award for leases described in subsection (d), subsections (a) through (e) of this section and the amendments made by those subsections are repealed and any provision of law amended by those subsections is restored as if those subsections had not been enacted into law.

(2) NOTIFICATION.—The Secretary of Veterans Affairs shall submit to Congress and the Law Revision Counsel of the House of Representatives written notification of the date specified in paragraph (1) not later than 30 days before such date.

SEC. 120004. INCREASE IN NUMBER OF HEALTH PROFESSIONS RESIDENCY POSITIONS AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES.

(a) INCREASE.—In carrying out section 7302(a)(1) of title 38, United States Code, during the seven-year period beginning on the day that is one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall increase the number of health professions residency positions at medical facilities of the Department of Veterans Affairs by not more than 500 positions (which shall be allocated among occupations included in the most current determination published in the Federal Register pursuant to section 7412(a) of such title, or allocated pursuant to a prioritization by the Secretary of occupations in primary care, mental health care, and any other health professions occupation the Secretary determines appropriate) through the establishment of such new positions at—

(1) medical facilities where the Secretary established such positions pursuant to section 301(b)(2) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 7302 note); or

(2) any medical facility—

(A) the director of which expresses an interest in establishing or expanding a health professions residency program at the medical facility; or

(B) that is located in a community that has a high concentration of veterans or is experiencing a shortage of health care professionals.

(b) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Department of Veterans Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $268,000,000, to remain available until September 30, 2029, for the purpose of carrying out this section.

SEC. 120005. VETERAN RECORDS SCANNING.

In addition to amounts otherwise available, there is appropriated to the Veterans Benefits Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2023, for costs of record scanning and claims processing, to carry out sections 7701 and 7703 of title 38, United States Code.

SEC. 120006. FUNDING FOR DEPARTMENT OF VETERANS AFFAIRS OFFICE OF INSPECTOR GENERAL.

In addition to amounts otherwise available, there is appropriated to the Office of Inspector General of the Department of Veterans Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, for audits, investigations, and other oversight of projects and activities carried out with funds made available to the Department of Veterans Affairs.

TITLE XIII—COMMITTEE ON WAYS AND MEANS

Subtitle A—Universal Comprehensive Paid Leave

SEC. 130001. COMPREHENSIVE PAID LEAVE.

The Social Security Act is amended by adding at the end the following:

''TITLE XXII—COMPREHENSIVE PAID LEAVE BENEFITS

''SEC. 2201. TABLE OF CONTENTS.

''The table of contents for this title is as follows:

''SEC. 2202. ENTITLEMENT TO COMPREHENSIVE PAID LEAVE BENEFITS.

''(a) IN GENERAL.—Every individual who—

''(1) has filed an application for a comprehensive paid leave benefit in accordance with section 2204(a);

''(2) has, or anticipates having, at least 4 caregiving hours in a week ending at any time during the period that begins 90 days before the date on which such application is filed or not later than 90 days after such date;

''(3) has wages or self-employment income at any time during the period—

''(A) beginning with the most recent calendar quarter that ends at least 4 months prior to the beginning of the individual's benefit period specified in subsection (b); and

''(B) ending with the month before the month in which such benefit period begins; and

''(4) has at least the specified amount of wages and self-employment income during the most recent 8-calendar quarter period that ends at least 4 months prior to the beginning of the individual's benefit period specified in subsection (b),

shall be entitled to such a benefit for each month during such benefit period, except as otherwise provided in this section. For purposes of paragraph (4), the specified amount for individuals whose benefit period begins in calendar year 2024 shall be $2,000, and the specified amount for individuals whose benefit period begins in any calendar year after 2024 shall equal the specified amount applicable for the calendar year preceding such calendar year, or, if larger, the product of $2,000 and the quotient obtained by dividing the national average wage index (as defined in section 2210) for the second calendar year preceding such calendar year by the national average wage index (as so defined) for 2022.

''(b) BENEFIT PERIOD.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the benefit period specified in this subsection is the period beginning with the month in which ends the 1st week in which the individual has at least 4 caregiving hours and otherwise would meet the criteria specified in paragraphs (1), (2), (3), and (4) of subsection (a) and ending at the end of the month in which ends the 52nd week ending during such period.

''(2) RETROACTIVE BENEFITS.—In the case of an application for benefits under this section with respect to an individual who has at least 4 caregiving hours in a week at any time during the period that begins 90 days before the date on which such application is filed, the benefit period specified in this subsection is the period beginning with the later of—

''(A) the month in which ends the 1st week in which the individual has at least 4 caregiving hours; or

''(B) the 1st month that begins during such 90-day period,

and ending at the end of the month in which ends the 52nd week ending during such period.

''(3) LIMITATION.—Notwithstanding paragraphs (1) and (2), no benefit period under this title may begin with any month beginning before January 2024.

''(c) CAREGIVING HOURS.—

''(1) CAREGIVING HOUR DEFINED.—For purposes of this title, the term 'caregiving hour' means a 1-hour period during which the individual engaged in qualified caregiving (determined on the basis of information filed with the Commissioner pursuant to subsection (c) of section 2204).

''(2) QUALIFIED CAREGIVING.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'qualified caregiving' means any activity engaged in by an individual in lieu of work (during the hours that constitute the individual's regular workweek (within the meaning of section 2203(d))), other than for monetary compensation, for a qualifying reason (as defined in section 2210).

''(B) NO MONETARY COMPENSATION PERMITTED.—For purposes of subparagraph (A), an activity shall be considered to be engaged in by an individual for monetary compensation if, for the time during which the individual was so engaged, the individual received—

''(i) wages from an employer;

''(ii) self-employment income; or

''(iii) any form of cash payment made by an employer for purposes of providing the individual with paid vacation, paid sick leave, or any other form of paid time off (but not including any such form of cash payment to the extent that the sum of such cash payment and any comprehensive paid leave benefits under section 2202 does not exceed 100 percent of the individual's regular rate of pay (as determined under section 7(e) of the Fair Labor Standards Act of 1938)).

''(C) TREATMENT OF INDIVIDUALS COVERED BY EMPLOYER-SPONSORED COMPREHENSIVE PAID LEAVE PROGRAM.—For purposes of subparagraph (A), an activity engaged in by an individual shall not be considered to be engaged in in lieu of work if, for the time during which the individual was so engaged, the individual is taking leave from covered employment under an employer-sponsored program (as defined in section 2209(g)).

''(D) TREATMENT OF INDIVIDUALS COVERED BY LEGACY STATE COMPREHENSIVE PAID LEAVE PROGRAM.—For purposes of subparagraph (A), an activity engaged in by an individual shall not be considered to be engaged in in lieu of work if, for the time during which the individual was so engaged, the individual is taking leave from covered employment under the law of a legacy State (as defined in section 2208(c)). In the case of an individual who is no longer employed, such individual shall be treated, for purposes of the preceding sentence, as taking leave from covered employment under the law of a legacy State (as so defined) with respect to the portion of the time during which the individual was so engaged corresponding to the share of the individual's regular workweek (within the meaning of 2203(d)) that was in covered employment under the law of a legacy State (as so defined).

''(d) NO CAREGIVING HOURS IN INDIVIDUAL'S WEEK OF DEATH.—No caregiving hours of an individual may be credited under section 2203(c) to the week during which the individual dies.

''(e) DISQUALIFICATION.—An individual who has been found to have used false statements or representation to secure benefits under this section shall be ineligible for benefits under this section for a 5-year period following the date of such finding.

''SEC. 2203. BENEFIT AMOUNT.

''(a) IN GENERAL.—The amount of the benefit to which an individual is entitled under section 2202 for a month shall be an amount equal to the sum of the weekly benefit amounts for each week ending during such month. The weekly benefit amount of an individual for a week shall be equal to the product of the individual's weekly benefit rate (as determined under subsection (b)) multiplied by a fraction—

''(1) the numerator of which is the number of caregiving hours of the individual credited to such week (as determined in subsection (c)); and

''(2) the denominator of which is the number of hours in a regular workweek of the individual (as determined in subsection (d)).

''(b) WEEKLY BENEFIT RATE.—

''(1) IN GENERAL.—For purposes of this section, an individual's weekly benefit rate shall be an amount equal to the sum of—

''(A) 90.138 percent of the individual's average weekly earnings to the extent that such earnings do not exceed the amount established for purposes of this subparagraph by paragraph (2);

''(B) 73.171 percent of the individual's average weekly earnings to the extent that such earnings exceed the amount established for purposes of subparagraph (A) but do not exceed the amount established for purposes of this subparagraph by paragraph (2); and

''(C) 53.023 percent of the individual's average weekly earnings to the extent that such earnings exceed the amount established for purposes of subparagraph (B) but do not exceed the amount established for purposes of this subparagraph by paragraph (2).

''(2) AMOUNTS ESTABLISHED.—

''(A) INITIAL AMOUNTS.—For individuals whose benefit period under this title begins in calendar year 2024, the amount established for purposes of subparagraphs (A), (B), and (C) of paragraph (1) shall be 1/52 of $15,080, $34,248, and $62,000, respectively.

''(B) WAGE INDEXING.—For individuals whose benefit period under this title begins in any calendar year after 2024, each of the amounts so established shall equal the corresponding amount established for the calendar year preceding such calendar year, or, if larger, the product of the corresponding amount established with respect to the calendar year 2024 and the quotient obtained by dividing—

''(i) the national average wage index (as defined in section 2210) for the second calendar year preceding such calendar year, by

''(ii) the national average wage index (as so defined) for calendar year 2022.

''(C) ROUNDING.—Each amount established under subparagraph (B) for any calendar year shall be rounded to the nearest $1, except that any amount so established which is a multiple of $0.50 but not of $1 shall be rounded to the next higher $1.

''(3) AVERAGE WEEKLY EARNINGS.—For purposes of this subsection, an individual's average weekly earnings, as calculated by the Commissioner, shall be equal to the quotient obtained by dividing—

''(A) the total of the wages and self-employment income received by the individual during the 8-calendar quarter period described in section 2202(a)(4); by

''(B) 104.

''(4) EVIDENCE OF EARNINGS.—For purposes of determining the wages and self-employment income of an individual with respect to an application for benefits under section 2202, the Commissioner shall make such determination on the basis of data provided to the Commissioner from the National Directory of New Hires pursuant to section 453(j)(12) and self-employment income information provided to the Commissioner pursuant to section 6103(l)(23) of the Internal Revenue Code of 1986, except that the Commissioner shall also consider any more recent or additional evidence of wages or self-employment income the individual chooses to additionally submit.

''(c) CREDITING OF CAREGIVING HOURS TO A WEEK.—The number of caregiving hours of an individual credited to a week as determined under this subsection shall equal the number of caregiving hours of the individual occurring during such week, except that—

''(1) such number may not exceed the number of hours in a regular workweek of the individual (as determined in subsection (d));

''(2) no caregiving hours may be credited to a week in which fewer than 4 caregiving hours of the individual occur;

''(3) no caregiving hours of the individual may be credited to the individual's waiting period, consisting of the first week during an individual's benefit period in which at least 4 caregiving hours occur (regardless of whether the individual received any form of cash payment for the purpose of providing the individual with paid vacation, paid sick leave, or any other form of paid time off from the individual's employer during such week in accordance with section 2202(c)(2)(B)(iii)); and

''(4) the total number of caregiving hours credited to weeks during the individual's benefit period may not exceed the product of 4 multiplied by the number of hours in a regular workweek of the individual (as so determined).

''(d) NUMBER OF HOURS IN A REGULAR WORKWEEK.—For purposes of this section, the number of hours in a regular workweek of an individual shall be the number of hours that the individual regularly works in a week for all employers or as a self-employed individual (or regularly worked in the case of an individual who is no longer working or whose total weekly hours of work have been reduced) during the month before the individual's benefit period begins (or prior to such month, if applicable in the case of an individual who is no longer working or whose total weekly hours of work have been reduced).

''(e) SUBMISSION OF REQUIRED INFORMATION.—Any person may submit applicable paid leave information with respect to an individual, including, as applicable, the individual's representative, the individual's employer, or any relevant authority identified under section 2204(b)(2). For purposes of this subsection, the term 'applicable paid leave information' means, with respect to an individual, any information submitted to the Commissioner with respect to the comprehensive paid leave benefits of the individual, including any initial application, periodic benefit claim report, appeal, and any other information submitted in support of such application, report, or appeal.

''SEC. 2204. BENEFIT DETERMINATION AND PAYMENT.

''(a) IN GENERAL.—An individual seeking benefits under section 2202 shall file an application with the Commissioner containing at least the information described in subsection (b). Any information contained in an application for benefits under section 2202, or in a periodic benefit claim report filed with respect to such benefits, shall be presumed to be true and accurate, unless the Commissioner demonstrates by a preponderance of the evidence that information contained in the application or periodic benefit claim report is false, except that the Commissioner shall mandate procedures to validate the identity of such individual.

''(b) REQUIRED CONTENTS OF INITIAL APPLICATION.—An application for a comprehensive paid leave benefit filed by an individual shall include—

''(1) an attestation that the individual has, or anticipates having, at least 4 caregiving hours in a week ending at any time during the period that begins 90 days before the date on which such application is filed or not later than 90 days after such date;

''(2) at the option of the Commissioner, a certification, issued by a relevant authority identified under regulations issued by the Commissioner, that contains such information as the Commissioner shall specify in regulations as necessary to affirm the circumstances giving rise to the need for such caregiving hours, which shall be no more than is required for reasonable documentation (as defined in section 2210);

''(3) an attestation from the individual that notice of the individual's need to be absent from work during such caregiving hours has been provided, not later than 7 days after such need arises, to the individual's employer (except in cases of hardship or other extenuating circumstances or if the individual does not have (or no longer has) an employer);

''(4) pay stubs or such other evidence as the individual may provide demonstrating the individual's wages or self-employment income during the period described in section 2202(a)(3), except that the Commissioner may waive this requirement in any case in which such evidence is otherwise available to the Commissioner; and

''(5) an attestation from the individual stating the number of hours in a regular workweek of

the individual (within the meaning of section 2203(d)).

In the case of an individual who applies for a comprehensive paid leave benefit in the anticipation of caregiving hours occurring after the date of application, the certification described in paragraph (2), the attestations described in paragraphs (3) and (5), and the evidence described in paragraph (4) may be provided after the 1st week in which at least 4 such caregiving hours occur.

''(c) PERIODIC BENEFIT CLAIM REPORT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), not later than 60 days (or such longer period as may be provided in any case in which the Commissioner determines that good cause exists for an extension) after the end of each month during the benefit period of an individual entitled to benefits under section 2202, the individual shall file a periodic benefit claim report with the Commissioner. Such periodic benefit claim report shall specify the caregiving hours of the individual that occurred during each week that ended in such month. No periodic benefit claim report shall be required with respect to any week in which fewer than 4 caregiving hours occurred.

''(2) RETROACTIVE APPLICATIONS.—In the case of an application filed by an individual for a comprehensive paid leave benefit with a benefit period that begins, in accordance with section 2202(b)(2), with a month that ends before the date on which such application is filed, the individual may include with such application the information described in the second sentence of paragraph (1) with respect to each week in the benefit period that ends before such date.

''(d) DETERMINATIONS.—

''(1) INITIAL APPLICATION.—The Commissioner shall determine, with respect to an individual applying for benefits under section 2202, the initial entitlement and the benefit period in accordance with such section, and the weekly benefit rate, average weekly earnings, and the number of hours in a regular workweek in accordance with section 2203.

''(2) MONTHLY BENEFIT DETERMINATIONS.—On the basis of the information filed with the Commissioner pursuant to subsection (c), the Commissioner shall determine, with respect to an individual for each week ending in a month, the number of caregiving hours to be credited to such week in accordance with section 2203(c).

''(3) CHANGING CIRCUMSTANCES.—If more than one type of circumstance gives rise to the need for caregiving hours during the individual's benefit period, such caregiving hours shall be credited to weeks within the benefit period in accordance with section 2203(c) regardless of circumstance.

''(e) CERTIFICATION OF PAYMENT.—Not later than 15 days after the making of a determination under subsection (d)(2) with respect to the number of caregiving hours of an individual to be credited to weeks ending in a month, the Commissioner shall certify payment of the comprehensive paid leave benefit for such month to be made to such individual, and the Secretary of the Treasury shall make such payment in accordance with the certification of the Commissioner of Social Security.

''(f) REGULATIONS AND PROCEDURES.—The Commissioner shall have full power and authority to make rules and regulation, including interim final regulations, and to establish procedures, not inconsistent with this title, which are necessary and appropriate to carry out this title.

''SEC. 2205. APPEALS.

''(a) IN GENERAL.—An individual shall have the right—

''(1) to appeal to the Commissioner any determination made with respect to—

''(A) comprehensive paid leave benefits under section 2202; and

''(B) comprehensive paid leave benefits under an employer-sponsored program described in section 2209 whose appeal to the employer (or administering entity) pursuant to subsection (b)(1)(B)(iii)(I) of such section results in a determination unfavorable to the individual; and

''(2) to have the appeal heard in a timely manner by a decisionmaker who was not the initial decisionmaker and who reviews any additional evidence submitted.

''(b) TREATMENT OF DETERMINATIONS ON APPEAL.—Any determination by the Commissioner on an appeal under this section shall be a final determination.

''SEC. 2206. ACCURATE PAYMENT.

''(a) UNDERPAYMENTS AND OVERPAYMENTS.—

''(1) IN GENERAL.—Whenever the Commissioner determines that more or less than the correct amount of payment has been made to any individual under this title, the Commissioner shall promptly notify the individual of such determination and inform the individual of the right to appeal such determination in accordance with the provisions of section 2205. Proper adjustment or recovery shall be made as follows:

''(A) UNDERPAYMENTS.—With respect to payment to an individual of less than the correct amount, the Commissioner shall promptly pay the balance of the amount due to such underpaid individual.

''(B) OVERPAYMENTS.—

''(i) IN GENERAL.—With respect to payment to an individual of more than the correct amount, the Commissioner shall decrease any payment for a month under section 2202 to which such overpaid individual is entitled (except that no such payment may be decreased in any manner that results in weekly benefit amounts for each week ending during such month that are less than the lower of the weekly benefit amounts for each such week as determined for such individual under section 2203(a) or the amount specified in clause (ii) with respect to such weekly benefit amounts of the individual), or shall require such overpaid individual to refund the amount in excess of the correct amount, or shall apply any combination of the foregoing.

''(ii) LIMITATION ON RECOVERY.—

''(I) AMOUNT SPECIFIED.—The amount specified in this clause with respect to a weekly benefit amount of an individual for a week is an amount equal to the weekly benefit amount that would be determined for the individual for such week under section 2203(a) if the individual's weekly benefit rate (as determined under section 2203(b)) were equal to the applicable dollar amount as determined under subclause (II).

''(II) APPLICABLE DOLLAR AMOUNT.—For purposes of subclause (I), the applicable dollar amount is—

''(aa) with respect to a weekly benefit amount determined for a week ending in a month in calendar year 2024, $315; and

''(bb) with respect to a weekly benefit amount determined for a week ending in a month in any calendar year after 2024, the corresponding amount established with respect to a weekly benefit amount determined for a week ending in a month in the calendar year preceding such calendar year or, if larger, the product of the corresponding amount specified in item (aa) with respect to a weekly benefit amount determined for a week ending in a month in calendar year 2024 multiplied by the quotient obtained by dividing—

''(AA) the national average wage index (as defined in section 2210) for the second calendar year preceding such calendar year, by

''(BB) the national average wage index (as so defined) for 2022.

''(2) WAIVER OF CERTAIN OVERPAYMENTS.—In any case in which more than the correct amount of payment for comprehensive paid leave benefits under section 2202 has been made, there shall be no adjustment of payments to, or recovery from, any individual who was without fault in connection with the overpayment if such adjustment or recovery would defeat the purpose of this title or would impede efficient or effective administration of this title, or if such individual relied on the receipt or expected payment of comprehensive paid leave benefits under section 2202 to make a financial decision. In considering whether an individual is without fault, the Commissioner shall take into account the individual's age and any physical impairment or mental impairment (including intellectual disability), limited English proficiency, low levels of literacy skills, educational limitations, and any other circumstances that may render the individual not at fault.

''(b) CIVIL MONETARY PENALTY.—

''(1) IN GENERAL.—Any person who knowingly makes a false statement, misrepresents a fact, or omits material information in connection with an application for benefits under section 2202 or a periodic benefit claim report under section 2204 shall be subject to a civil monetary penalty of not more than the amount determined under paragraph (2) for a calendar year for each such statement, misrepresentation, or omission.

''(2) AMOUNT DETERMINED.—The amount determined under this paragraph for a calendar year shall be the amount that would be in effect for such calendar year if such penalty—

''(A) had been first established in the amount of $5,000 in calendar year 1994; and

''(B) had been initially adjusted for inflation in calendar year 2016.

''(c) EXCLUSION FROM PARTICIPATION.—

''(1) IN GENERAL.—No person or entity who—

''(A) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in any application for any benefit under this title,

''(B) at any time knowingly and willfully makes or causes to be made any false statement or representation of a material fact for use in determining rights to any such benefit,

''(C) having knowledge of the occurrence of any event affecting (i) his initial or continued right to any such benefit, or (ii) the initial or continued right to any such benefit of any other individual in whose behalf he has applied for or is receiving such benefit, conceals or fails to disclose such event with an intent fraudulently to secure such benefit either in a greater amount or quantity than is due or when no such benefit is authorized,

''(D) having made application to receive any such benefit for the use and benefit of another and having received it, knowingly and willfully converts such benefit or any part thereof to a use other than for the use and benefit of such other person, or

''(E) conspires to take any action described in any of subparagraphs (A) through (C),

may represent, or submit evidence on behalf of, an individual applying for, or receiving, benefits under this title.

''(2) EFFECTIVE DATE.—An exclusion under this paragraph shall be effective with respect to services furnished to any individual on or after the effective date of the exclusion. Nothing in this paragraph may be construed to preclude consideration of any medical evidence derived from services provided by a health care provider before the effective date of the exclusion of the health care provider under this subsection.

''(d) REDETERMINATION OF ENTITLEMENT.—

''(1) IN GENERAL.—

''(A) TERMINATION OR REVERSAL OF BENEFITS.—The Commissioner shall immediately redetermine the entitlement of an individual to comprehensive paid leave benefits under section 2202 if there is reason to believe that fraud or similar fault was involved in the application of the individual for such benefits.

''(B) DISREGARD OF CERTAIN EVIDENCE.—When redetermining the entitlement, or making an initial determination of entitlement, of an individual under this title, the Commissioner shall disregard any evidence if there is reason to believe that fraud or similar fault was involved in the providing of such evidence.

''(2) SIMILAR FAULT DESCRIBED.—For purposes of paragraph (1), similar fault is involved with respect to a determination if—

''(A) an incorrect or incomplete statement that is material to the determination is knowingly made; or

''(B) information that is material to the determination is knowingly concealed.

''(3) TERMINATION OF BENEFITS.—If, after redetermining pursuant to this subsection the entitlement of an individual to comprehensive paid leave benefits, the Commissioner determines that there is insufficient evidence to support such entitlement, the Commissioner may terminate such entitlement and may treat benefits paid on the basis of such insufficient evidence as overpayments.

''SEC. 2207. FUNDING FOR BENEFIT PAYMENTS, GRANTS, AND PROGRAM ADMINISTRATION.

''(a) FUNDING FOR BENEFIT PAYMENTS AND GRANTS.—In addition to amounts otherwise available, there are appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary to pay benefits under section 2202 and for grants under sections 2208 and 2209.

''(b) FUNDING FOR PROGRAM ADMINISTRATION.—

''(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated, out of any funds in the Treasury not otherwise appropriated, $1,500,000,000 for fiscal year 2022 and $1,590,700,000 for each subsequent fiscal year (subject to paragraph (2)) for timely and accurate administration of all sections of this title, including costs related to necessary customer service, staffing, technology, training, data sharing, identity validation, technical assistance to legacy States under section 2208 and employers or employer-designated third party administrators under section 2209, public education and outreach to potential beneficiaries, and research for the purpose of ensuring full and equitable access to the programs under this title.

''(2) INDEXING TO WAGE GROWTH.—For each fiscal year after 2024, there shall be substituted for the dollar amount specified in paragraph (1) for such fiscal year an amount equal to the larger of the dollar amount in effect under this subsection for the fiscal year preceding such fiscal year or the product of $1,590,700,000 multiplied by the ratio of—

''(A) the national average wage index (as defined in section 2210) for the most recent calendar year that ends before the beginning of such preceding fiscal year, to

''(B) the national average wage index (as so defined) for 2021.

''(3) NO USE OF TITLE II FUNDS.—No funds made available for the administration of title II may be used to carry out the paid leave program established under this title.

''(c) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any funds in the Treasury not otherwise appropriated, $2,000,000,000, to remain available until expended, for necessary administrative expenses of the Social Security Administration.

''(d) AVAILABILITY OF EMERGENCY FUNDING.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any funds in the Treasury not otherwise appropriated, $500,000,000, to remain available until expended, for administrative expenses described in subsection (b)(1) during fiscal year 2024 or any subsequent fiscal year, except that such amount shall not be available in any fiscal year unless the Commissioner determines that the number of applications filed during such fiscal year for comprehensive paid leave benefits under section 2202(a) will exceed the number that were anticipated to be filed during such fiscal year (as determined by the Commissioner) by 20 percent or more.

''SEC. 2208. FUNDING FOR STATE ADMINISTRATION OPTION FOR LEGACY STATES.

''(a) IN GENERAL.—In each calendar year beginning with calendar year 2025, the Commissioner shall make a grant to each State that, for the calendar year preceding such calendar year, was a legacy State and that met the data sharing requirements of subsection (e), in an amount equal to the lesser of—

''(1) an amount, as estimated by the Commissioner, equal to the total amount of comprehensive paid leave benefits that would have been paid under section 2202 (including the costs to the Commissioner to administer such benefits, not to exceed (for purposes of estimating such total amount under this paragraph) 7 percent of the total amount of such benefits paid) to individuals who received paid family and medical leave benefits under a State law described in paragraph (1) or (3) of subsection (b) during the calendar year preceding such calendar year if the State had not been a legacy State for such preceding calendar year; or

''(2) an amount equal to the total cost of paid family and medical leave benefits under a State law described in paragraph (1) or (3) of subsection (b) for the calendar year preceding such calendar year, including—

''(A) any paid family and medical leave benefits provided by an employer (whether directly, under a contract with an insurer, or provided through a multiemployer plan) as described in subsection (d); and

''(B) the full cost to the State of administering such law (except that such cost may not exceed 7 percent of the total amount of paid family and medical leave benefits paid under such State law).

In any case in which, during any calendar year, the Commissioner has reason to believe that a State will be a legacy State and meet the data sharing requirements of subsection (e) for such calendar year, the Commissioner may make estimated payments during such calendar year of the grant which would be paid to such State in the succeeding calendar year, to be adjusted as appropriate in the succeeding calendar year.

''(b) LEGACY STATE.—For purposes of this section, the term 'legacy State' for a calendar year means a State with respect to which the Commissioner determines that—

''(1) the State has enacted, not later than the date of enactment of this title, a State law that provides paid family and medical leave benefits;

''(2) for any calendar year that begins before the date that is 3 years after the date of enactment of this title, the State certifies to the Commissioner that the State intends to remain a legacy State and meet the data sharing requirements of subsection (e) at least through the first calendar year that begins on or after such date; and

''(3) for any calendar year that begins on or after such date, a State law of the State provides for a State program to remain in effect throughout such calendar year that provides comprehensive paid family and medical leave benefits (which may be paid directly by the State or, if permitted under such State law, by an employer pursuant to such State law)—

''(A) for at least 4 full workweeks of leave during each 12-month period to at least all of those individuals in the State who would be eligible for comprehensive paid leave benefits under section 2202 (without regard to section 2202(c)(2)(D)), except that the State shall provide such benefits for leave from employment by the State or any political subdivision thereof, and may elect to provide such benefits for leave from any other governmental employment;

''(B) at a wage replacement rate that is at least equivalent to the wage replacement rate under the comprehensive paid leave benefit program under section 2202 (without regard to section 2202(c)(2)(D)).

''(c) COVERED EMPLOYMENT UNDER THE LAW OF A LEGACY STATE.—For purposes of this title, the term 'covered employment under the law of a legacy State' means employment (or self-employment) with respect to which an individual would be eligible to receive paid family and medical benefits under the State law of a State, as described in paragraph (1) or (3) of subsection (b), during any period during which such State is a legacy State.

''(d) EMPLOYER-PROVIDED BENEFITS IN A LEGACY STATE.—

''(1) TREATMENT FOR PURPOSES OF THIS TITLE.—Notwithstanding any provision of section 2209, in the case of a State that permits paid family and medical leave benefits to be provided by an employer (whether directly, under a contract with an insurer, or provided through a multiemployer plan) pursuant to a State law described in paragraph (1) or (3) of subsection (b)—

''(A) such benefits shall be considered, for all purposes under this title, paid family and medical leave benefits under the law of a legacy State; and

''(B) leave for which such benefits are paid shall be considered, for all such purposes, leave from covered employment under the law of a legacy State.

''(2) DISTRIBUTION OF GRANT FUNDS.—In any case in which paid family and medical leave benefits are provided by one or more employers (whether directly, under a contract with an insurer, or provided through a multiemployer plan) in a legacy State pursuant to a State law described in paragraph (1) or (3) of subsection (b), the State, upon the receipt of any grant amount under subsection (a), may distribute an appropriate share of such grant to each such employer.

''(e) DATA SHARING.—As a condition of receiving a grant under subsection (a) in a calendar year, a State shall enter into an agreement with the Commissioner under which the State shall provide the Commissioner—

''(1) with information, to be provided periodically as determined by the Commissioner, concerning individuals who received a paid leave benefit under a State law described in paragraph (1) or (3) of subsection (b), including each individual's name, information to establish the individual's identity, dates for which such paid leave benefits were paid, the amount of such paid leave benefit, and, to the extent available, such other information concerning such individuals as necessary for the purpose of carrying out this section and section 2202(c)(2)(D);

''(2) not later than July 1 of such calendar year, the amount described in subsection (a)(2) for the calendar year preceding such calendar year; and

''(3) such other information as needed to determine compliance with grant requirements.

''(f) GREATER BENEFITS PERMITTED.—Nothing in this section shall be construed to prohibit a legacy State or an employer providing benefits pursuant to a legacy State law from providing paid family and medical leave benefits that exceed the requirements described in this section.

''SEC. 2209. REIMBURSEMENT OPTION FOR EMPLOYER-SPONSORED COMPREHENSIVE PAID LEAVE BENEFITS.

''(a) IN GENERAL.—For each calendar year beginning with calendar year 2024, the Commissioner shall make a grant to each employer that is an eligible employer for such calendar year in an amount equal to—

''(1) in the case of an eligible employer sponsoring a comprehensive paid leave benefit program with respect to which benefits are awarded and paid under a contract with an insurer (or through a multiemployer plan), an amount (not to exceed the employer's expenditures for such program) equal to the lesser of—

''(A) 90 percent of the product of—

''(i) the projected national average cost per individual of providing comprehensive paid leave benefits under section 2202 as determined by the Commissioner for such calendar year under subsection (c)(3) (or, in the case of a calendar year during which the eligible employer sponsored such comprehensive paid leave benefit program for only a fraction of the year, an equal fraction of such projected national average cost); multiplied by

''(ii) the number of eligible employees (within the meaning of subsection (b)(1)(A) and prorated for part-time eligible employees) whose employment is covered employment under the employer-sponsored program (as defined in subsection (g)) for such calendar year (or, in the case of a calendar year during which the eligible employer sponsored such comprehensive paid leave benefit program for only a fraction of the year, for such fraction of the year); and

''(B) 90 percent of the total premiums paid to the insurer (or contributions paid to the multiemployer plan) by the eligible employer under such contract (or such plan) for such calendar year (or such fraction thereof) for the coverage under such contract (or such plan) of eligible employees of the employer; and

''(2) in the case of an eligible employer sponsoring a self-insured comprehensive paid leave benefit program with respect to which benefits are awarded and paid directly by the employer (or by a third party administrator on behalf of the employer), an amount equal to 90 percent of—

''(A) the amount of benefits paid under the program for such calendar year to eligible employees of the employer for up to 4 weeks of leave per eligible employee; or

''(B) if lesser, the product of the national average weekly benefit amount paid under section 2203(a) during such calendar year multiplied by the number of weeks of leave (up to 4 per eligible employee) paid by the employer for all eligible employees under the program for the calendar year.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—For purposes of subsection (a), an eligible employer for a calendar year is an employer (other than the Federal Government or the government of any State (or political subdivision thereof) that is a legacy State for such calendar year under section 2208) that satisfies all of the following requirements:

''(A) NON-LEGACY STATE EMPLOYEES.—The employer has one or more employees during such calendar year whose employment with such employer is not covered employment under the law of a legacy State (as defined in section 2208(c)) (in this section referred to as 'eligible employees').

''(B) GRANT CONDITIONS.—As a condition of the grant, the employer agrees—

''(i) that, on return from leave under the program described in subparagraph (C)(ii), the eligible employee taking such leave will—

''(I) be restored by the employer to the position of employment held by the eligible employee when the leave commenced; or

''(II) be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment;

''(ii) to maintain coverage for the eligible employee under any 'group health plan' (as defined in section 2210) for the duration of such leave at the level and under the conditions coverage would have been provided if the eligible employee had continued in employment continuously for the duration of such leave;

''(iii) in any case in which an eligible employee receives an adverse determination from the employer (or administering entity) with respect to comprehensive paid leave benefits under the program described in subparagraph (C)(ii)—

''(I) to provide opportunity for the eligible employee to appeal such adverse determination to the employer (or administering entity); and

''(II) in any case in which the eligible employee elects to appeal the results of such initial appeal to the Commissioner pursuant to section 2205(a)(1)(B) and the final decision of the Commissioner is in the eligible employee's favor, to provide for the payment of such comprehensive paid leave benefits in addition to the costs to the Commissioner of such secondary appeal;

''(iv) to provide annual notice to all eligible employees stating that their employment is covered employment under an employer-sponsored program (as defined in subsection (g)) and informing them of the right to appeal any adverse determination with respect to comprehensive paid leave benefits under the program described in subparagraph (C)(ii); and

''(v) not to impose any fee on any eligible employee related to ensuring coverage, or to the receipt of comprehensive paid leave benefits, under the program described in subparagraph (C)(ii).

''(C) APPLICATION; SUBMISSION OF REQUIRED INFORMATION.—Not later than the certification deadline specified in paragraph (2)(A) for such calendar year, the employer—

''(i) notifies the Commissioner that the employer intends to seek a grant under this section for such calendar year;

''(ii) certifies to the Commissioner that the employer will have in effect during such calendar year a comprehensive paid leave benefit program that meets the requirements of subsection (c) and, not later than the submission deadline specified in paragraph (2)(B) for such calendar year, provides all documentation relating to such program as the Commissioner may request; and

''(iii) pays an application fee to the Commissioner in accordance with this subparagraph, such amounts to remain available to the Commissioner without further appropriation, in addition to amounts otherwise available, to administer this section and appeals described in section 2205(a)(1)(B).

In the case of an initial application, the application fee under this subparagraph shall be $500 for an employer with 50 or fewer employees, $1,000 for an employer with more than 50 but fewer than 500 employees, and $2,000 for an employer with 500 or more employees. In the case of a renewed application, the application fee under this subparagraph shall be $200.

''(D) APPROVAL BY THE COMMISSIONER.—The comprehensive paid leave benefit program referred to in subparagraph (C)(ii) is subsequently approved by the Commissioner as meeting all applicable requirements.

''(E) INFORMATION SUBMISSION REQUIREMENT.—At the time of application for such grant for each calendar year, the employer—

''(i) submits to the Commissioner—

''(I) an attestation that the comprehensive paid leave benefit program referred to in subparagraph (C)(ii) will remain in effect during the whole of such calendar year (or, in the case of a program not in effect at the beginning of such calendar year, an attestation that such program will remain in effect until the end of such calendar year); and

''(II) with respect to each eligible employee of the employer whose employment is covered employment under the employer-sponsored program (as defined in subsection (g)) for such calendar year, the eligible employee's name, information to establish the eligible employee's identity, and in the case of a part-time eligible employee (for purposes of determining the number of eligible employees (pro-rated for part-time eligible employees) covered under the program for such calendar year under subsection (a)(1)(B)), the number of hours the eligible employee regularly works in a week; and

''(ii) agrees to submit information to the Commissioner as described in subsection (e).

''(F) MAINTENANCE OF RECORDS.—The employer agrees to retain all records relating to the employer's comprehensive paid leave benefit program for not less than 3 years.

''(G) ADDITIONAL GRANT REQUIREMENTS.—As a condition of the grant, the employer (or administering entity) does not—

''(i) interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under the program described in subparagraph (C)(ii); or

''(ii) discharge, or in any other manner discriminate against, any eligible employee for opposing any practice prohibited by such program.

''(H) ADDITIONAL ELIGIBILITY REQUIREMENTS FOR SELF-INSURED EMPLOYERS.—In the case of a comprehensive paid leave benefit program of an employer with respect to which benefits are awarded and paid directly by the employer (or by a third party administrator on behalf of the employer)—

''(i) such employer employs at least 50 eligible employees; and

''(ii) such benefits are guaranteed by a surety bond held by the employer.

''(2) TIMING OF APPLICATION.—

''(A) CERTIFICATION.—The certification deadline specified in this subparagraph for a calendar year is the date that is 90 days before the beginning of the calendar year, or, if later, the date that is 90 days before a plan described in paragraph (1)(C)(ii) first goes into effect.

''(B) SUBMISSION OF DOCUMENTATION.—The submission deadline specified in this subparagraph for a calendar year is the date that is 45 days before the beginning of the calendar year, or, if later, the date that is 45 days before a plan described in paragraph (1)(C)(ii) first goes into effect.

''(c) EMPLOYER PROGRAM REQUIREMENTS.—

''(1) IN GENERAL.—A comprehensive paid leave benefit program shall not be considered to meet the requirements of this subsection unless such program consists of a written employer policy in accordance with paragraph (2) that provides for the payment, through one or more employee benefit plans, of family and medical leave benefits (in addition to any paid vacation, paid sick leave, or paid consolidated leave otherwise provided), which may be guaranteed through an insurer or provided through a multiemployer plan and which may be administered by an insurer, multiemployer plan, or by another third-party entity, that includes each element described in subparagraphs (A) through (H) of paragraph (2), and under which the employer provides for each of the following:

''(A) Each of the additional grant conditions described in subsection (b)(1)(B).

''(B) Each of the requirements described in subsection (b)(1)(G).

''(C) Submission of information to the Commissioner as described in subsection (e).

''(2) COMPREHENSIVE PAID LEAVE PLAN REQUIREMENTS FOR GRANTEES.—As a condition of a grant under this section, the written employer policy referred to in paragraph (1) shall provide comprehensive paid leave benefits—

''(A) to all eligible employees of the employer, regardless of length of service, job type, membership in a labor organization, seniority status, or any other employee classification;

''(B) at a wage replacement rate that is at least as great as the wage replacement rate that an eligible employee would receive under the comprehensive paid leave benefit program under section 2202 (without regard to section 2202(c)(2)(C));

''(C) for a total number of weeks of paid leave that is at least as great as the total number of weeks of paid leave that an eligible employee would receive under such program (without regard to such section);

''(D) for all qualifying reasons (as described in subparagraphs (A), (B), and (C) of section 2210(6)), regardless of any pre-existing medical conditions;

''(E) for leave which may be taken intermittently or on a reduced leave schedule;

''(F) that does not impose any fee on any eligible employee related to ensuring coverage for, or to the receipt of, such benefits;

''(G) which must be paid not less frequently than monthly; and

''(H) for which any information contained in an application for such benefits shall be presumed to be true and accurate, unless the employer (or administering entity) demonstrates by a preponderance of the evidence that information contained in the application is false.

''(3) NATIONAL AVERAGE COST.—Not later than October 1 of the calendar year before each calendar year beginning with 2024, the Commissioner shall determine and publish the projected

national average cost per individual of providing comprehensive paid leave benefits under section 2202 for such calendar year, such cost to be determined by dividing the total cost of benefits under such section for such calendar year (including the costs to the Commissioner to administer such benefits, not to exceed (for purposes of calculating the national average cost under this paragraph) 7 percent of the total amount of such benefits paid) by the number of individuals—

''(A) who have wages or self-employment income at any time during such calendar year; and

''(B) whose employment in a regular workweek (within the meaning of section 2203(d)) includes employment that is not covered employment under an employer-sponsored program (as defined in subsection (g) of this section) or covered employment under the law of a legacy State (as defined in section 2208(c)).

''(d) TIMING OF PAYMENT; PENALTY FOR LATE FILING.—

''(1) INSURED EMPLOYERS AND EMPLOYERS CONTRIBUTING TO MULTIEMPLOYER PLANS.—A grant paid under this section for a calendar year to an eligible employer described in subsection (a)(1) shall be paid by the Commissioner not later than 30 days after the beginning of such calendar year.

''(2) SELF-INSURED EMPLOYERS.—A grant paid under this section for a calendar year to an eligible employer described in subsection (a)(2) shall be paid by the Commissioner not later than March 31 of the calendar year succeeding such calendar year.

''(3) PENALTY FOR LATE FILING.—In any case in which an eligible employer seeking a grant under this subsection for a calendar year fails to submit all required documentation by the submission deadline for such calendar year as required under subsection (b)(2)(B)—

''(A) the grant for such calendar year for such employer shall not be paid until 45 days after the date of payment otherwise specified in paragraph (1) or (2), as applicable; and

''(B) the amount of such grant shall be reduced by 2 percent for each 7 days by which such submission deadline is exceeded.

''(e) INFORMATION SUBMISSION.—As a condition of receiving a grant under subsection (a) for a calendar year, an employer shall provide the Commissioner with information, at such times and in such manner as required by the Commissioner, concerning eligible employees who received a paid leave benefit under the comprehensive paid leave benefit program of the employer, including each eligible employee's name, information to establish the eligible employee's identity, dates for which such paid leave benefits were paid, the amount of such paid leave benefit, and, to the extent available, such other information concerning such eligible employees as needed for the purpose of carrying out this section and section 2202(c)(2)(C), and for otherwise carrying out the provisions of this title.

''(f) ENFORCEMENT AND GRANT RECOVERY.—

''(1) IN GENERAL.—The Commissioner shall conduct periodic reviews of employers receiving grants under this section (and of entities administering such programs). The Commissioner may withdraw approval of the comprehensive paid leave benefit program of an employer in any case in which the Commissioner finds that the employer (or administering entity) has violated any requirement of this section, may require the employer to repay the full amount of such grant, and may disqualify an employer from receiving subsequent grants (or an administering entity from administering programs) under this section in the case of repeated violations.

''(2) PENALTIES RELATING TO APPEALS.—In any case in which the Commissioner determines that a pattern exists with respect to an employer (or administering entity) in which the employer (or administering entity) has incorrectly denied claims for paid leave benefits under the employer-sponsored program and such claims have subsequently been approved by the Commissioner pursuant to an appeal described in section 2205(a)(1)(B), the Commissioner may impose penalties on the employer (or administering entity), which may include requiring the employer to repay the full amount of such grant and a reduction in, or disqualification from, receiving subsequent grants (or an entity from administering programs) under this section.

''(3) PENALTIES ON ADMINISTERING ENTITIES.—In the case of a third-party entity administering a comprehensive paid leave benefit program of an employer, such entity shall notify such employer in any case in which a penalty is imposed under this subsection on the administering entity not later than 30 days after the date on which such penalty has been imposed. In any case in which the Commissioner determines that a pattern of misconduct exists with respect to an entity administering benefits under this section for multiple employers, the Commissioner may disqualify such entity from administering employer-sponsored programs receiving subsequent grants under this section.

''(4) EMPLOYER AND ADMINISTRATOR APPEALS.—An employer (or administering entity) with respect to which a penalty is imposed under this subsection may appeal such decision to the Commissioner only if such appeal is filed with the Commissioner not later than 60 days after the date of such decision.

''(g) COVERED EMPLOYMENT UNDER AN EMPLOYER-SPONSORED PROGRAM.—For purposes of this title, the term 'covered employment under an employer-sponsored program'—

''(1) means employment with an eligible employer sponsoring a comprehensive paid leave benefit program that meets the requirements of subsection (c) during a calendar year for which the eligible employer receives a grant under subsection (a); and

''(2) does not include covered employment under the law of a legacy State (as defined in section 2208(c)).

''(h) GREATER BENEFITS PERMITTED.—Nothing in this section shall be construed to prohibit an eligible employer from providing paid family and medical leave benefits that exceed the requirements described in this section.

''SEC. 2210. DEFINITIONS.

''For purposes of this title:

''(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Social Security.

''(2) ELIGIBILITY.—With respect to any reference in this title to an individual's eligibility or ineligibility for comprehensive paid leave benefits under section 2202(a) for a month, an individual shall be considered to be eligible for such benefits for such month if, upon filing an application for such benefits for such month, the individual would be entitled to such benefits for such month.

''(3) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning given such term in section 5000(b)(1) of the Internal Revenue Code of 1986.

''(4) MULTIEMPLOYER PLAN.—The term 'multiemployer plan' has the meaning given such term in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)).

''(5) NATIONAL AVERAGE WAGE INDEX.—The term 'national average wage index' has the meaning given such term in section 209(k)(1).

''(6) QUALIFYING REASON.—The term 'qualifying reason' means, with respect to any determination of whether an individual is engaged in qualified caregiving under section 2202(c)(2)(A), any of the following:

''(A) A reason described in subparagraph (A) or (B) of section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)) (applied for purposes of this paragraph as if the individual involved were the employee referred to in such section).

''(B)(i) In order to care for a qualified family member of the individual, if such qualified family member has a serious health condition.

''(ii) For purposes of clause (i)—

''(I) the term 'qualified family member' means, with respect to an individual—

''(aa) a spouse (including a domestic partner in a civil union or other registered domestic partnership recognized by a State) and a spouse's parent;

''(bb) a child and a child's spouse;

''(cc) a parent and a parent's spouse;

''(dd) a sibling and a sibling's spouse;

''(ee) a grandparent, a grandchild, or a spouse of a grandparent or grandchild; and

''(ff) any other individual who is related by blood or affinity and whose association with the individual involved is equivalent of a family relationship; and

''(II) the term 'serious health condition' has the meaning given such term in section 101(11) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(11)) .

''(C) Because of a serious health condition (as defined in subparagraph (B)(ii)(II)) that makes the individual unable to satisfy the requirements needed to continue receiving (or in the case of an individual no longer employed, to resume receiving) the wages or self-employment income described in section 2202(a)(3).

''(7) REASONABLE DOCUMENTATION.—The term 'reasonable documentation' means the information that is required to be stated under subsection (b) of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613).

''(8) SELF-EMPLOYMENT INCOME.—The term 'self-employment income' has the meaning given the term in section 1402(b) of the Internal Revenue Code of 1986 for purposes of the taxes imposed by section 1401(b) of such Code. For purposes of section 2202(a) and 2203(b)(3), the Commissioner shall determine rules for the crediting of self-employment income to calendar quarters, under which—

''(A) in the case of a taxable year which is a calendar year, self-employment income shall be credited equally to each quarter of such calendar year; and

''(B) in the case of any other taxable year, such income shall be credited equally to the calendar quarter in which such taxable year ends and to each of the next three or fewer preceding quarters any part of which is in such taxable year.

''(9) STATE.—The term 'State' means any State of the United States or the District of Columbia or any territory or possession of the United States.

''(10) WAGES.—The term 'wages' has the meaning given such term in section 3121(a) of the Internal Revenue Code of 1986 for purposes of the taxes imposed by sections 3101(b) and 3111(b) of such Code (without regard to section 3121(u)(2)(C) of such Code), except that such term also includes—

''(A) compensation, as defined in section 3231(e) of such Code for purposes of the Railroad Retirement Tax Act; and

''(B) unemployment compensation, as defined in section 85(b) of such Code.

''(11) WEEK.—The term 'week' means a 7-day period beginning on a Sunday.''.

SEC. 130002. ACCESS TO WAGE INFORMATION FROM THE NATIONAL DIRECTORY OF NEW HIRES FOR THE PURPOSE OF ADMINISTERING COMPREHENSIVE PAID LEAVE.

Section 453(j) of the Social Security Act (42 U.S.C. 653(j)) is amended by adding at the end the following:

''(12) INFORMATION COMPARISONS AND DISCLOSURE TO ASSIST IN ADMINISTRATION OF TITLE XXII.—

''(A) FURNISHING OF INFORMATION BY THE COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security shall furnish to the Secretary, on such periodic basis as determined by the Commissioner of Social Security in consultation with the Secretary, information in the custody of the Commissioner of Social Security for comparison with information in the National

Directory of New Hires, in order to obtain information in such Directory with respect to individuals for purposes of administering title XXII.

''(B) REQUIREMENT TO SEEK MINIMUM INFORMATION.—The Commissioner of Social Security shall seek information pursuant to this section only to the extent necessary to administer title XXII.

''(C) DUTIES OF THE SECRETARY.—

''(i) INFORMATION DISCLOSURE.—The Secretary, in cooperation with the Commissioner of Social Security, shall compare information in the National Directory of New Hires with information provided by the Commissioner of Social Security with respect to individuals described in subparagraph (A), and shall disclose information in such Directory regarding such individuals to the Commissioner of Social Security, in accordance with this paragraph, for the purposes specified in this paragraph.

''(ii) CONDITION ON DISCLOSURE.—The Secretary shall make disclosures in accordance with clause (i) only to the extent that the Secretary determines that such disclosures do not interfere with the effective operation of the program under this part.

''(D) USE OF INFORMATION BY THE COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security may use information provided under this paragraph only for purposes of administering title XXII, and shall maintain such information in the records of the Commissioner of Social Security for such time as the Commissioner of Social Security deems necessary for the administration of such title.

''(E) DISCLOSURE OF INFORMATION BY THE COMMISSIONER OF SOCIAL SECURITY.—

''(i) PURPOSE OF DISCLOSURE.—The Commissioner of Social Security may make a disclosure under this subparagraph only for purposes of verifying the employment and income of individuals described in subparagraph (A).

''(ii) CONDITIONS ON DISCLOSURE.—Disclosures under this subparagraph shall be—

''(I) made in accordance with data security and control policies established by the Commissioner of Social Security and approved by the Secretary;

''(II) subject to audit in a manner satisfactory to the Secretary; and

''(III) subject to the sanctions under subsection (l)(2).

''(iii) RESTRICTIONS ON REDISCLOSURE.—A person or entity to which information is disclosed under this subparagraph may use or disclose such information only as needed for verifying the employment and income of individuals described in subparagraph (A), subject to the conditions in clause (ii) and such additional conditions as agreed to by the Secretary and the Commissioner of Social Security.

''(F) REIMBURSEMENT OF HHS COSTS.—. The Commissioner of Social Security shall reimburse the Secretary, in accordance with subsection (k)(3), for the costs incurred by the Secretary in furnishing the information requested under this paragraph.''.

SEC. 130003. ACCESS TO SELF-EMPLOYMENT INCOME INFORMATION FOR PAID LEAVE ADMINISTRATION.

(a) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(23) DISCLOSURE OF CERTAIN RETURN INFORMATION TO CARRY OUT PAID FAMILY AND MEDICAL LEAVE BENEFIT PROGRAM.—

''(A) IN GENERAL.—The Secretary shall, upon written request, disclose to officers and employees of the Social Security Administration return information with respect to a taxpayer whose self-employment income is relevant in determining entitlement to, or the correct amount of, a paid family and medical leave benefit under title XXII of the Social Security Act. Such information shall be limited to—

''(i) the taxpayer identity information with respect to the taxpayer,

''(ii) the self-employment income of the taxpayer,

''(iii) the taxable year to which such self-employment income relates, and

''(iv) if applicable, the fact that any of the preceding information is unavailable.

''(B) RESTRICTION ON DISCLOSURE.—Return information disclosed under subparagraph (A) may be used by officers and employees of the Social Security Administration solely for the purpose of administering the paid family and medical leave benefit program under title XXII of the Social Security Act.

''(C) SELF-EMPLOYMENT INCOME.—For purposes of this paragraph, the term 'self-employment income' has the meaning given such term in section 1402(b) for purposes of the taxes imposed by section 1401(b).''.

(b) APPLICATION OF SAFEGUARDS.—Section 6103(p)(4) of such Code is amended by striking ''or (22)'' in the matter preceding subparagraph (A) and in subparagraph (F)(ii) and inserting ''(22), or (23)''.

SEC. 130004. CERTAIN COMPREHENSIVE PAID LEAVE BENEFITS EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 139I the following new section:

''SEC. 139J. CERTAIN COMPREHENSIVE PAID LEAVE BENEFITS.

''In the case of an individual, gross income shall not include any amount received by the taxpayer by reason of entitlement to a comprehensive paid leave benefit under section 2202(a) of the Social Security Act.''.

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 139I the following new item:

''Sec. 139J. Certain comprehensive paid leave benefits.''.

Subtitle B—Miscellaneous Health Items

SEC. 132000. REGISTERED PROFESSIONAL NURSES.

(a) MEDICARE.—Section 1819(b)(4)(C)(i) of the Social Security Act (42 U.S.C. 1395i–3(b)(4)(C)(i)) is amended by striking ''registered professional nurse'' and all that follows through the period at the end and inserting the following: ''registered professional nurse, with respect to such services furnished—

''(I) before October 1, 2024, at least 8 consecutive hours a day, 7 days a week; and

''(II) on or after such date, 24 hours a day, 7 days a week.''.

(b) MEDICAID.—Section 1919(b)(4)(C)(i)(II) of the Social Security Act (42 U.S.C. 1396r(b)(4)(C)(i)(II)) is amended by striking ''registered professional nurse'' and all that follows through the period at the end and inserting the following: ''registered professional nurse, with respect to such services furnished—

''(aa) before October 1, 2024, at least 8 consecutive hours a day, 7 days a week; and

''(bb) on or after such date, 24 hours a day, 7 days a week.''.

SEC. 132001. PERMANENT EXTENSION OF THE INDEPENDENCE AT HOME MEDICAL PRACTICE DEMONSTRATION PROGRAM.

Section 1866E of the Social Security Act (42 U.S.C. 1395cc–5) is amended by adding at the end the following new subsection:

''(j) PERMANENT DEMONSTRATION PROGRAM.—

''(1) IN GENERAL.—Notwithstanding subsection (e)(1) and subject to paragraph (2), beginning on the date of enactment of this subsection, the Secretary shall conduct the demonstration program on a permanent basis.

''(2) ADJUSTMENTS.—In conducting the demonstration program on a permanent basis pursuant to paragraph (1), the preceding provisions of this section shall apply except that, beginning on the date of enactment of this subsection, the following shall apply:

''(A) Notwithstanding paragraphs (1) and (5) of subsection (e)—

''(i) there shall be no limit on the number of qualified independence at home medical practices or applicable beneficiaries that may participate in the demonstration program; and

''(ii) participation of qualified independence at home medical practices in the demonstration program shall not be limited to practices that were selected to participate prior to the date of enactment of this subsection.

''(B) In applying subsection (c), any applicable beneficiary that participates in the demonstration program, including by reason of the elimination under subparagraph (A) of the limit on the number of applicable beneficiaries who may participate, shall be taken into account in establishing any—

''(i) estimated annual spending target under subsection (c)(1); and

''(ii) incentive payment under subsection (c)(2).

''(3) FUNDING.—In addition to amounts otherwise available, there is appropriated to the Centers for Medicare & Medicaid Services Program Management Account for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $60,000,000, to remain available until September 30, 2031, for purposes of administering and carrying out the demonstration program, other than for payments for items and services furnished under this title and incentive payments under subsection (c).''.

Subtitle C—Trade Adjustment Assistance

SEC. 133001. SHORT TITLE.

This subtitle may be cited as the ''Trade Adjustment Assistance Modernization Act of 2021''.

SEC. 133002. APPLICATION OF PROVISIONS RELATING TO TRADE ADJUSTMENT ASSISTANCE.

(a) EFFECTIVE DATE; APPLICABILITY.—Except as otherwise provided in this subtitle, the provisions of chapters 2 through 6 of title II of the Trade Act of 1974, as in effect on June 30, 2021, and as amended by this subtitle, shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply with respect to petitions for certification filed under chapter 2, 3, 4, or 6 of title II of the Trade Act of 1974 on or after such date of enactment.

(b) REFERENCE.—Except as otherwise provided in this subtitle, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision of chapters 2 through 6 of title II of the Trade Act of 1974, the reference shall be considered to be made to a provision of any such chapter, as in effect on June 30, 2021.

(c) REPEAL OF SNAPBACK.—Section 406 of the Trade Adjustment Assistance Reauthorization Act of 2015 (Public Law 114–27; 129 Stat. 379) is repealed.

PART 1—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

SEC. 133101. FILING PETITIONS.

Section 221(a)(1) of the Trade Act of 1974 (19 U.S.C. 2271(a)(1)) is amended—

(1) by amending subparagraph (A) to read as follows:

''(A) One or more workers in the group of workers.''; and

(2) in subparagraph (C), by striking ''or a State dislocated worker unit'' and inserting ''a State dislocated worker unit, or workforce intermediaries, including labor-management organizations that carry out re-employment and training services''.

SEC. 133102. GROUP ELIGIBILITY REQUIREMENTS.

(a) IN GENERAL.—Section 222(a)(2) of the Trade Act of 1974 (19 U.S.C. 2272(a)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting '', failed to increase, or will decrease absolutely due to a scheduled or imminently anticipated, long-term decrease in or reallocation of the production capacity of the firm'' after ''absolutely''; and

(B) in clause (iii)—

(i) by striking ''to the decline'' and inserting ''to any decline or absence of increase''; and

(ii) by striking ''or'' at the end;

(2) in subparagraph (B)(ii), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(C)(i) the sales or production, or both, of such firm have decreased;

''(ii)(I) exports of articles produced or services supplied by such workers' firm have decreased; or

''(II) imports of articles or services necessary for the production of articles or services supplied by such firm have decreased; and

''(iii) the decrease in exports or imports described in clause (ii) contributed to such workers' separation or threat of separation and to the decline in the sales or production of such firm.''.

(b) REPEAL.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended—

(1) in subsections (a) and (b), by striking ''importantly'' each place it appears; and

(2) in subsection (c)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(c) ELIGIBILITY OF STAFFED WORKERS AND TELEWORKERS.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272), as amended by subsection (b), is further amended by adding at the end the following:

''(f) TREATMENT OF STAFFED WORKERS AND TELEWORKERS.—

''(1) IN GENERAL.—For purposes of subsection (a), workers in a firm include staffed workers and teleworkers.

''(2) DEFINITIONS.—In this subsection:

''(A) STAFFED WORKER.—The term 'staffed worker' means a worker who performs work under the operational control of a firm that is the subject of a petition filed under section 221, even if the worker is directly employed by another firm.

''(B) TELEWORKER.—The term 'teleworker' means a worker who works remotely but who reports to the location listed for a firm in a petition filed under section 221.''.

SEC. 133103. APPLICATION OF DETERMINATIONS OF ELIGIBILITY TO WORKERS EMPLOYED BY SUCCESSORS-IN-INTEREST.

Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) is amended by adding at the end the following:

''(f) TREATMENT OF WORKERS OF SUCCESSORS-IN-INTEREST.—If the Secretary certifies a group of workers of a firm as eligible to apply for adjustment assistance under this chapter, a worker of a successor-in-interest to that firm shall be covered by the certification to the same extent as a worker of that firm.''.

SEC. 133104. PROVISION OF BENEFIT INFORMATION TO WORKERS.

Section 225 of the Trade Act of 1974 (19 U.S.C. 2275) is amended—

(1) in subsection (a), by inserting after the second sentence the following new sentence: ''The Secretary shall make every effort to provide such information and assistance to workers in their native language.''; and

(2) in subsection (b)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following:

''(2) The Secretary shall provide a second notice to a worker described in paragraph (1) before the worker has exhausted all rights to any unemployment insurance to which the worker is entitled (other than additional compensation described in section 231(a)(3)(B) funded by a State and not reimbursed from Federal funds).'';

(C) in paragraph (3), as redesignated by paragraph (1), by striking ''newspapers of general circulation'' and inserting ''appropriate print or digital outlets''; and

(D) by adding at the end the following:

''(4) For purposes of providing sustained outreach regarding the benefits available under this chapter to workers covered by a certification made under this subchapter, the Secretary may take any necessary actions, including the following:

''(A) Collecting the email addresses and telephone numbers of such workers from the employers of such workers to provide sustained outreach to such workers.

''(B) Partnering with the certified or recognized union, a community-based worker organization, or other duly authorized representatives of such workers.

''(C) Hiring peer support workers to perform sustained outreach to other workers covered by that certification.

''(D) Using advertising methods and public information campaigns, including social media, in addition to notice published in print or digital outlets under paragraph (3).''.

SEC. 133105. QUALIFYING REQUIREMENTS FOR WORKERS.

(a) IN GENERAL.—Section 231(a) of the Trade Act of 1974 (19 U.S.C. 2291(a)) is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and

(3) in paragraph (4) (as redesignated), by striking ''paragraphs (1) and (2)'' each place it appears and inserting ''paragraph (1)''.

(b) CONFORMING AMENDMENTS.—(1) Section 232 of the Trade Act of 1974 (19 U.S.C. 2292) is amended by striking ''section 231(a)(3)(B)'' each place it appears and inserting ''section 231(a)(2)(B)''.

(2) Section 233(a) of the Trade Act of 1974 (19 U.S.C. 2293(a)) is amended—

(A) in paragraph (1), by striking ''section 231(a)(3)(A)'' and inserting ''section 231(a)(2)(A)''; and

(B) in paragraph (2)—

(i) by striking ''adversely affected employment'' and all that follows through ''(A) within'' and inserting ''adversely affected employment within'';

(ii) by striking '', and'' and inserting a period; and

(iii) by striking subparagraph (B).

SEC. 133106. MODIFICATION TO TRADE READJUSTMENT ALLOWANCES.

Section 233 of the Trade Act of 1974 (19 U.S.C. 2293) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting after ''104-week period'' the following: ''(or, in the case of an adversely affected worker who requires a program of prerequisite education or remedial education (as described in section 236(a)(5)(D)) in order to complete training approved for the worker under section 236, the 130-week period)'';

(B) in paragraph (3), by striking ''65 additional weeks in the 78-week period'' and inserting ''78 additional weeks in the 91-week period''; and

(C) in the flush text, by striking ''78-week period'' and inserting ''91-week period'';

(2) by striking subsection (d); and

(3) by amending subsection (f) to read as follows:

''(f) PAYMENT OF TRADE READJUSTMENT ALLOWANCES TO COMPLETE TRAINING.—Notwithstanding any other provision of this section, in order to assist an adversely affected worker to complete training approved for the worker under section 236 that includes a program of prerequisite education or remedial education (as described in section 236(a)(5)(D)), and in accordance with regulations prescribed by the Secretary, payments may be made as trade readjustment allowances for up to 26 additional weeks in the 26-week period that follows the last week of entitlement to trade readjustment allowances otherwise payable under this chapter.''.

SEC. 133107. AUTOMATIC EXTENSION OF TRADE READJUSTMENT ALLOWANCES.

(a) IN GENERAL.—Part I of subchapter B of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2291-2294) is amended by inserting after section 233 the following new section:

''SEC. 233A. AUTOMATIC EXTENSION OF TRADE READJUSTMENT ALLOWANCES.

''(a) IN GENERAL.—Notwithstanding the limitations under section 233(a), the Secretary shall extend the period during which trade readjustment allowances are payable to an adversely affected worker who completes training approved under section 236 by the Secretary during a period of heightened unemployment with respect to the State in which such worker seeks benefits, for the shorter of—

''(1) the 26-week period beginning on the date of completion of such training; or

''(2) the period ending on the date on which the adversely affected worker secures employment.

''(b) JOB SEARCH REQUIRED.—A worker shall only be eligible for an extension under subsection (a) if the worker is complying with the job search requirements associated with unemployment insurance in the applicable State.

''(c) PERIOD OF HEIGHTENED UNEMPLOYMENT DEFINED.—In this section, the term 'period of heightened unemployment' with respect to a State means a 90-day period during which, in the determination of the Secretary, either of the following average rates equals or exceeds 5.5 percent:

''(1) The average rate of total unemployment in such State (seasonally adjusted) for the period consisting of the most recent 3-month period for which data for all States are published before the close of such period.

''(2) The average rate of total unemployment in all States (seasonally adjusted) for the period consisting of the most recent 3-month period for which data for all States are published before the close of such period.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 233 the following:

''Sec. 233A. Automatic extension of trade readjustment allowances.''.

SEC. 133108. EMPLOYMENT AND CASE MANAGEMENT SERVICES.

Section 235 of the Trade Act of 1974 (19 U.S.C. 2295) is amended—

(1) in paragraph (3)—

(A) by inserting after ''regional areas'' the following: ''(including information about registered apprenticeship programs, on-the-job training opportunities, and other work-based learning opportunities)''; and

(B) by inserting after ''suitable training'' the following: '', information regarding the track record of a training provider's ability to successfully place participants into suitable employment'';

(2) by redesignating paragraph (8) as paragraph (10); and

(3) by inserting after paragraph (7) the following:

''(8) Information related to direct job placement, including facilitating the extent to which employers within the community commit to employing workers who would benefit from the employment and case management services under this section.

''(9) Sustained outreach to groups of workers likely to be certified as eligible for adjustment assistance under this chapter and members of certified worker groups who have not yet applied for or been enrolled in benefits or services under this chapter, especially such groups and members from underserved communities.''.

SEC. 133109. TRAINING.

Section 236 of the Trade Act of 1974 (19 U.S.C. 2296(a)) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(D), by inserting '', with a demonstrated ability to place participants into employment'' before the comma at the end;

(B) in paragraph (3), by adding at the end before the period the following: '', except that

every effort shall be made to ensure that employment opportunities are available upon the completion of training''; and

(C) in paragraph (5)—

(i) in subparagraph (G), by striking '', and'' and inserting a comma;

(ii) in subparagraph (H)(ii), by striking the period at the end and inserting '', and''; and

(iii) by adding at the end before the flush text the following:

''(I) pre-apprenticeship training.''; and

(2) by adding at the end the following:

''(h) REIMBURSEMENT FOR OUT-OF-POCKET TRAINING EXPENSES.—If the Secretary approves training for a worker under paragraph (1) of subsection (a), the Secretary may reimburse the worker for out-of-pocket expenses relating to training program described in paragraph (5) of that subsection that were incurred by the worker on and after the date of the worker's total or partial separation and before the date on which the certification of eligibility under section 222 that covers the worker is issued.''.

SEC. 133110. JOB SEARCH, RELOCATION, AND CHILD CARE ALLOWANCES.

(a) JOB SEARCH ALLOWANCES.—Section 237 of the Trade Act of 1974 (19 U.S.C. 2297) is amended—

(1) in subsection (a)(1), by striking ''may use funds made available to the State to carry out sections 235 through 238'' and inserting ''shall use, from funds made available to the State to carry out sections 235 through 238A, such amounts as may be necessary'';

(2) in subsection (a)(2), in the matter preceding subparagraph (A), by striking ''may grant'' and inserting ''shall grant''; and

(3) in subsection (b)—

(A) in paragraph (1), by striking ''not more than 90 percent'' and inserting ''100 percent'';

(B) in paragraph (2), by striking ''$1,250'' and inserting ''$2,000 (subject to adjustment under paragraph (4))''; and

(C) by adding at the end the following;

''(4) ADJUSTMENT OF MAXIMUM ALLOWANCE LIMITATION FOR INFLATION.—

''(A) IN GENERAL.—The Secretary of Labor shall adjust the maximum allowance limitation under paragraph (2) on the date that is 30 days after the date of the enactment of this paragraph, and at the beginning of each fiscal year thereafter, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index for the preceding 12-month period compared to the Consumer Price Index for fiscal year 2020.

''(B) SPECIAL RULES FOR CALCULATION OF ADJUSTMENT.—In making an adjustment under subparagraph (A), the Secretary—

''(i) shall round the amount of any increase in the Consumer Price Index to the nearest dollar; and

''(ii) may ignore any such increase of less than 1 percent.

''(C) CONSUMER PRICE INDEX DEFINED.—For purposes of this paragraph, the term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.''.

(b) RELOCATION ALLOWANCES.—Section 238 of the Trade Act of 1974 (19 U.S.C. 2298) is amended—

(1) in subsection (a)(1), by striking ''may use funds made available to the State to carry out sections 235 through 238'' and inserting ''shall use, from funds made available to the State to carry out sections 235 through 238A, such amounts as may be necessary'';

(2) in subsection (a)(2), in the matter preceding subparagraph (A), by striking ''may be granted'' and inserting ''shall be granted'';

(3) in subsection (b)—

(A) in paragraph (1), by striking ''not more than 90 percent'' and inserting ''100 percent''; and

(B) in paragraph (2), by striking ''$1,250'' and inserting ''$2,000 (subject to adjustment under subsection (d))''; and

(4) by adding at the end the following:

''(d) ADJUSTMENT OF MAXIMUM PAYMENT LIMITATION FOR INFLATION.—

''(1) IN GENERAL.—The Secretary of Labor shall adjust the maximum payment limitation under subsection (b)(2) on the date that is 30 days after the date of the enactment of this subsection, and at the beginning of each fiscal year thereafter, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index for the preceding 12-month period compared to the Consumer Price Index for fiscal year 2020.

''(2) SPECIAL RULES FOR CALCULATION OF ADJUSTMENT.—In making an adjustment under paragraph (1), the Secretary—

''(A) shall round the amount of any increase in the Consumer Price Index to the nearest dollar; and

''(B) may ignore any such increase of less than 1 percent.

''(3) CONSUMER PRICE INDEX DEFINED.—For purposes of this subsection, the term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.''.

(c) CHILD CARE ALLOWANCES.—

(1) IN GENERAL.—Part II of subchapter B of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2295-2298) is amended by adding at the end the following:

''SEC. 238A. CHILD CARE ALLOWANCES.

''(a) CHILD CARE ALLOWANCES AUTHORIZED.—

''(1) IN GENERAL.—Each State shall use, from funds made available to the State to carry out sections 235 through 238A, such amounts as may be necessary to allow an adversely affected worker covered by a certification issued under subchapter A of this chapter to file an application for a child care allowance with the Secretary, and the Secretary may grant the child care allowance, subject to the terms and conditions of this section.

''(2) CONDITIONS FOR GRANTING ALLOWANCE.—A child care allowance shall be granted if the allowance will assist an adversely affected worker to attend training or seek suitable employment, by providing for the care of one or more of the minor dependents of the worker.

''(b) AMOUNT OF ALLOWANCE.—Any child care allowance granted to a worker under subsection (a) shall not exceed $2,000 per minor dependent per year.

''(c) ADJUSTMENT OF MAXIMUM ALLOWANCE LIMITATION FOR INFLATION.—

''(1) IN GENERAL.—The Secretary of Labor shall adjust the maximum allowance limitation under subsection (b) on the date that is 30 days after the date of the enactment of this subsection, and at the beginning of each fiscal year thereafter, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index for the preceding 12-month period compared to the Consumer Price Index for fiscal year 2020.

''(2) SPECIAL RULES FOR CALCULATION OF ADJUSTMENT.—In making an adjustment under paragraph (1), the Secretary—

''(A) shall round the amount of any increase in the Consumer Price Index to the nearest dollar; and

''(B) may ignore any such increase of less than 1 percent.

''(3) CONSUMER PRICE INDEX DEFINED.—For purposes of this subsection, the term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.''.

(2) CONFORMING AMENDMENTS.—

(A) LIMITATIONS ON ADMINISTRATIVE EXPENSES AND EMPLOYMENT AND CASE MANAGEMENT SERVICES.—Section 235A of the Trade Act of 1974 (19 U.S.C. 2295a) is amended in the matter preceding paragraph (1) by striking ''through 238'' and inserting ''through 238A''.

(B) TRAINING.—Section 236(a)(2) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)) is amended—

(i) in subparagraph (A), by striking ''and 238'' and inserting ''238, and 238A'';

(ii) in subparagraph (B), by striking ''and 238'' each place it appears and inserting ''238, and 238A'';

(iii) in subparagraph (C)(i), by striking ''and 238'' and inserting ''238, and 238A'';

(iv) in subparagraph (C)(v), by striking ''and 238'' and inserting ''238, and 238A''; and

(v) in subparagraph (E), by striking ''and 238'' each place it appears and inserting ''238, and 238A''.

(3) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by adding after the item relating to section 238 the following new item:

''Sec. 238A. Child care allowances.''.

SEC. 133111. AGREEMENTS WITH STATES.

(a) COORDINATION.—Section 239(f) of the Trade Act of 1974 (19 U.S.C. 2311(f)) is amended—

(1) by striking ''(f) Any agreement'' and inserting the following:

''(f)(1) Any agreement''; and

(2) by adding at the end the following:

''(2) In arranging for training programs to be carried out under this chapter, each cooperating State agency shall, among other factors, take into account and measure the progress of the extent to which such programs—

''(A) achieve a satisfactory rate of completion and placement in jobs that provide a living wage and that increase economic security;

''(B) assist workers in developing the skills, networks, and experiences necessary to advance along a career path;

''(C) assist workers from underserved communities to establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry into and retention in unsubsidized employment; and

''(D) adequately serve individuals who face the greatest barriers to employment, including people with low incomes, people of color, immigrants, persons with disabilities, and formerly incarcerated individuals.

''(3) Each cooperating State agency shall facilitate joint cooperation between training programs, representatives of workers, employers, and communities, especially in underserved rural and urban regions, to ensure a fair and engaging workplace that balances the priorities and well-being of workers with the needs of businesses.

''(4) Each cooperating State agency shall seek, including through agreements and training programs described in this subsection, to ensure the reemployment of adversely affected workers upon completion of training as described in section 236.''.

(b) ADMINISTRATION.—Section 239(g) of the Trade Act of 1974 (19 U.S.C. 2311(g)) is amended—

(1) by redesignating—

(A) paragraphs (1) through (4) as paragraphs (3) through (6), respectively; and

(B) paragraph (5) as paragraph (8);

(2) by inserting before paragraph (3) (as redesignated) the following:

''(1) review each layoff of more than 5 workers in a firm to determine whether trade played a role in the layoff and whether workers in such firm are potentially eligible to receive benefits under this chapter,

''(2) perform sustained outreach to firms to facilitate and assist with filing petitions under section 221 and collecting necessary supporting information,'';

(3) in paragraph (3) (as redesignated), by striking ''who applies for unemployment insurance of'' and inserting ''identified under paragraph (1) of unemployment insurance benefits and'';

(4) in paragraph (4) (as redesignated), by inserting ''and assist with'' after ''facilitate'';

(5) in paragraph (6) (as redesignated), by striking ''and'' at the end;

(6) by inserting after paragraph (6) (as redesignated) the following:

''(7) perform sustained outreach to workers from underserved communities and to firms that employ a majority or a substantial percentage of workers from underserved communities and develop a plan, in consultation with the Secretary, for addressing common barriers to receiving services that such workers have faced,'';

(7) in paragraph (8) (as redesignated), by striking ''funds provided to carry out this chapter are insufficient to make such services available, make arrangements to make such services available through other Federal programs'' and inserting ''support services are needed beyond what this chapter can provide, make arrangements to coordinate such services available through other Federal programs'' ; and

(8) by adding at the end the following:

''(9) develop a strategy to engage with local workforce development institutions, including local community colleges and other educational institutions, and

''(10) develop a comprehensive strategy to provide agency staffing to support the requirements of paragraphs (1) through (9).''.

(c) STAFFING.—Section 239 of the Trade Act of 1974 (19 U.S.C. 2311) is amended by striking subsection (k) and inserting the following:

''(k) STAFFING.—An agreement entered into under this section shall provide that the cooperating State or cooperating State agency shall require that any individual engaged in functions (other than functions that are not inherently governmental) to carry out the trade adjustment assistance program under this chapter shall be a State employee covered by a merit system of personnel administration.''.

SEC. 133112. REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE PROGRAM.

Section 246(a) of the Trade Act of 1974 (19 U.S.C. 2318(a)) is amended—

(1) in paragraph (3)(B)(ii), by striking ''$50,000'' and inserting ''$70,000 (subject to adjustment under paragraph (8))'';

(2) in paragraph (5)(B)(i), by striking ''$10,000'' and inserting ''$20,000 (subject to adjustment under paragraph (8))''; and

(3) by adding at the end the following:

''(8) ADJUSTMENT OF SALARY LIMITATION AND TOTAL AMOUNT OF PAYMENTS FOR INFLATION.—

''(A) IN GENERAL.—The Secretary of Labor shall adjust the salary limitation under paragraph (3)(B)(ii) and the amount under paragraph (5)(B)(i) on the date that is 30 days after the date of the enactment of this paragraph, and at the beginning of each fiscal year thereafter, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index for the preceding 12-month period compared to the Consumer Price Index for fiscal year 2020.

''(B) SPECIAL RULES FOR CALCULATION OF ADJUSTMENT.—In making an adjustment under subparagraph (A), the Secretary—

''(i) shall round the amount of any increase in the Consumer Price Index to the nearest dollar; and

''(ii) may ignore any such increase of less than 1 percent.

''(C) CONSUMER PRICE INDEX DEFINED.—For purposes of this paragraph, the term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.''.

SEC. 133113. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE TO PUBLIC AGENCY WORKERS.

(a) DEFINITIONS.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319) is amended—

(1) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking ''The'' and inserting ''Subject to section 222(d)(5), the''; and

(B) in subparagraph (A), by striking ''or service sector firm'' and inserting '', service sector firm, or public agency''; and

(2) by adding at the end the following:

''(20) The term 'public agency' means a department or agency of a State or local government or of the Federal Government.''.

(b) GROUP ELIGIBILITY REQUIREMENTS.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272), as amended by subsections (b) and (c) of section 133102, is further amended—

(1) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively;

(2) by inserting after subsection (b) the following:

''(c) ADVERSELY AFFECTED WORKERS IN PUBLIC AGENCIES.—A group of workers in a public agency shall be certified by the Secretary as eligible to apply for adjustment assistance under this chapter pursuant to a petition filed under section 221 if the Secretary determines that—

''(1) a significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

''(2) the public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

''(3) the acquisition of services described in paragraph (2) contributed to such workers' separation or threat of separation.'';

(3) in subsection (d) (as redesignated), by adding at the end the following:

''(5) REFERENCE TO FIRM.—For purposes of subsections (a) and (b), the term 'firm' does not include a public agency.''; and

(4) in paragraph (2) of subsection (e) (as redesignated), by striking ''subsection (a) or (b)'' and inserting ''subsection (a), (b), or (c)''.

SEC. 133114. DEFINITIONS.

(a) EXTENSION OF ADJUSTMENT ASSISTANCE FOR WORKERS TO TERRITORIES.—Section 247(7) of the Trade Act of 1974 (19 U.S.C. 2319(7)) is amended—

(1) by inserting '', Guam, the Virgin Islands of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands,'' after ''District of Columbia''; and

(2) by striking ''such Commonwealth.'' and inserting ''such territories.''.

(b) UNDERSERVED COMMUNITY.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319), as amended by section 133113(a), is further amended by adding at the end the following:

''(21) The term 'underserved community' means a community with populations sharing a particular characteristic that have been systematically denied a full opportunity to participate in aspects of economic, social, or civic life, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders, other persons of color, members of other minority communities, persons with disabilities, persons who live in rural areas, and other populations otherwise adversely affected by persistent poverty or inequality.''.

SEC. 133115. REQUIREMENTS FOR CERTAIN TERRITORIES.

Section 248 of the Trade Act of 1974 (19 U.S.C. 2320) is amended by adding at the end the following:

''(c) REQUIREMENTS FOR CERTAIN TERRITORIES.—The Secretary shall establish such requirements as may be necessary and appropriate to modify the requirements of this chapter, including requirements relating to eligibility for trade readjustment allowances, to address the particular circumstances of Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands in implementing and carrying out this chapter.''.

SEC. 133116. SUBPOENA POWER.

Section 249 of the Trade Act of 1974 (19 U.S.C. 2321) is amended—

(1) in subsection (a), by adding at the end the following: ''The authority under the preceding sentence includes the authority of States to require, by subpoena, a firm to provide information on workers employed by, or totally or partially separated from, the firm that is necessary to make a determination under this chapter or to provide outreach to workers, including the names and address of workers.''; and

(2) by adding at the end the following:

''(c) ENFORCEMENT OF SUBPOENAS BY STATES.—A State may enforce compliance with a subpoena issued under subsection (a)—

''(1) as provided for under State law; and

''(2) by petitioning an appropriate United States district court for an order requiring compliance with the subpoena.''.

PART 2—TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

SEC. 133201. PETITIONS AND DETERMINATIONS.

Section 251 of the Trade Act of 1974 (19 U.S.C. 2341) is amended—

(1) in the second sentence of subsection (a), by striking ''Upon'' and inserting ''Not later than 15 days after'';

(2) by amending subsection (c) to read as follows:

''(c)(1) The Secretary shall certify a firm (including any agricultural firm or service sector firm) as eligible to apply for adjustment assistance under this chapter if the Secretary determines—

''(A)(i) that a significant number or proportion of the workers in such firm have become totally or partially separated, or are threatened to become totally or partially separated, or

''(ii) that—

''(I) sales or production, or both, of the firm have decreased absolutely or failed to increase,

''(II) sales or production, or both, of an article or service that accounted for not less than 25 percent of the total sales or production of the firm during the 12-month period preceding the most recent 12-month period for which data are available have decreased absolutely or failed to increase,

''(III) sales or production, or both, of the firm during the most recent 12-month period for which data are available have decreased or failed to increase compared to—

''(aa) the average annual sales or production for the firm during the 24-month period preceding that 12-month period, or

''(bb) the average annual sales or production for the firm during the 36-month period preceding that 12-month period, or

''(IV) sales or production, or both, of an article or service that accounted for not less than 25 percent of the total sales or production of the firm during the most recent 12-month period for which data are available have decreased or failed to increase compared to—

''(aa) the average annual sales or production for the article or service during the 24-month period preceding that 12-month period, or

''(bb) the average annual sales or production for the article or service during the 36-month period preceding that 12-month period, and

''(B)(i) increases of imports of articles or services like or directly competitive with articles which are produced or services which are supplied by such firm contributed to such total or partial separation, or threat thereof, or to such decline or failure to increase in sales or production, or

''(ii) decreases in exports of articles produced or services supplied by such firm, or imports of articles or services necessary for the production of articles or services supplied by such firm, contributed to such total or partial separation, or threat thereof, or to such decline in sales or production.

''(2) For purposes of paragraph (1)(B):

''(A) Any firm which engages in exploration or drilling for oil or natural gas shall be considered to be a firm producing oil or natural gas.

''(B) Any firm that engages in exploration or drilling for oil or natural gas, or otherwise produces oil or natural gas, shall be considered to be producing articles directly competitive with imports of oil and with imports of natural gas.''; and

(3) in subsection (d)—

(A) by striking ''this section,'' and inserting ''this section.''; and

(B) by striking ''but in any event'' and all that follows and inserting the following: ''If the Secretary does not make a determination with respect to a petition within 55 days after the date on which an investigation is initiated under subsection (a) with respect to the petition, the Secretary shall be deemed to have certified the firm as eligible to apply for adjustment assistance under this chapter.''.

SEC. 133202. APPROVAL OF ADJUSTMENT PROPOSALS.

Section 252 of the Trade Act of 1974 (19 U.S.C. 2342) is amended—

(1) in the second sentence of subsection (a), by adding at the end before the period the following: ''and an assessment of the potential employment outcomes of such proposal'';

(2) in subsection (b)(1)(B), by striking ''gives adequate consideration to'' and inserting ''is in'';

(3) by redesignating subsection (c) as subsection (d); and

(4) by inserting after subsection (b) the following:

''(c) AMOUNT OF ASSISTANCE.—

''(1) IN GENERAL.—A firm may receive adjustment assistance under this chapter with respect to the firm's economic adjustment proposal in an amount not to exceed $300,000, subject to adjustment under paragraph (2) and the matching requirement under paragraph (3).

''(2) ADJUSTMENT OF ASSISTANCE LIMITATION FOR INFLATION.—

''(A) IN GENERAL.—The Secretary of Commerce shall adjust the technical assistance limitation under paragraph (1) on the date that is 30 days after the date of the enactment of this paragraph, and at the beginning of each fiscal year thereafter, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index for the preceding 12-month period compared to the Consumer Price Index for fiscal year 2020.

''(B) SPECIAL RULES FOR CALCULATION OF ADJUSTMENT.—In making an adjustment under subparagraph (A), the Secretary—

''(i) shall round the amount of any increase in the Consumer Price Index to the nearest dollar; and

''(ii) may ignore any such increase of less than 1 percent.

''(C) CONSUMER PRICE INDEX DEFINED.—For purposes of this paragraph, the term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

''(3) MATCHING REQUIREMENT.—A firm may receive adjustment assistance under this chapter only if the firm provides matching funds in an amount equal to the amount of adjustment assistance received under paragraph (1).''.

SEC. 133203. TECHNICAL ASSISTANCE.

Section 253(a)(3) of the Trade Act of 1974 (19 U.S.C. 2343(a)(3)) is amended by adding at the end before the period the following: '', including assistance to provide skills training programs to employees of the firm''.

SEC. 133204. DEFINITIONS.

Section 259 of the Trade Act of 1974 (19 U.S.C. 2351) is amended by adding at the end the following:

''(3) UNDERSERVED COMMUNITY.—The term 'underserved community' has the meaning given that term in section 247.''.

SEC. 133205. PLAN FOR SUSTAINED OUTREACH TO POTENTIALLY-ELIGIBLE FIRMS.

(a) IN GENERAL.—Chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341-2355) is amended by adding at the end the following:

''SEC. 263. PLAN FOR SUSTAINED OUTREACH TO POTENTIALLY-ELIGIBLE FIRMS.

''(a) IN GENERAL.—The Secretary shall develop a plan to provide sustained outreach to firms that may be eligible for adjustment assistance under this chapter.

''(b) MATTERS TO BE INCLUDED.—The plan required by paragraph (1) shall include the following:

''(1) Outreach to the United States International Trade Commission and to such firms in industries with increased imports identified in the Commission's annual report regarding the operation of the trade agreements program under section 163(c).

''(2) Outreach to such firms in the service sector.

''(3) Outreach to such firms that are small businesses.

''(4) Outreach to such firms that are minority- or women-owned firms.

''(5) Outreach to such firms that employ a majority or a substantial percentage of workers from underserved communities.

''(c) UPDATES.—The Secretary shall update the plan required under this section on an annual basis.

''(d) SUBMISSION TO CONGRESS.—The Secretary shall submit the plan and each update to the plan required under this section to Congress.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 262 the following new item:

''Sec. 263. Plan for sustained outreach to potentially-eligible firms.''.

PART 3—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES AND COMMUNITY COLLEGES

SEC. 133301. TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES.

(a) IN GENERAL.—Chapter 4 of title II of the Trade Act of 1974 (19 U.S.C. 2371-2372) is amended—

(1) by inserting after the chapter heading the following:

''Subchapter B—Trade Adjustment Assistance for Community Colleges and Career Training''; and

(2) by redesignating sections 271 and 272 as sections 279 and 279A, respectively; and

(3) by inserting before subchapter B (as designated by paragraph (1)) the following:

''Subchapter A—Trade Adjustment Assistance for Communities

''SEC. 271. DEFINITIONS.

''In this subchapter:

''(1) AGRICULTURAL COMMODITY PRODUCER.—The term 'agricultural commodity producer' has the meaning given that term in section 291.

''(2) COMMUNITY.—The term 'community' means—

''(A) a city or other political subdivision of a State, including a special purpose unit of a State or local government engaged in economic or infrastructure development activities, or a consortium of political subdivisions;

''(B) an Economic Development District designated by the Economic Development Administration of the Department of Commerce; or

''(C) an Indian Tribe.

''(3) ELIGIBLE COMMUNITY.—The term 'eligible community' means a community that is impacted by trade under section 273(a)(2) and is determined to be eligible for assistance under this subchapter.

''(4) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) an eligible community;

''(B) an institution of higher education or a consortium of institutions of higher education; or

''(C) a public or private nonprofit organization or association acting in cooperation with officials of a political subdivision of a State.

''(5) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

''(6) UNDERSERVED COMMUNITY.—The term 'underserved community' has the meaning given that term in section 247.

''SEC. 272. ESTABLISHMENT OF TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES PROGRAM.

''The Secretary, acting through the Assistant Secretary for Economic Development, shall, not later than 180 days after the date of enactment of this subchapter, establish a program to provide communities impacted by trade with assistance in accordance with the requirements of this subchapter.

''SEC. 273. ELIGIBILITY; NOTIFICATION OF ELIGIBILITY.

''(a) ELIGIBILITY.—

''(1) IN GENERAL.—A community shall be eligible for assistance under this subchapter if the community is a community impacted by trade under paragraph (2).

''(2) COMMUNITY IMPACTED BY TRADE.—A community is impacted by trade if it meets each of the following requirements:

''(A) One or more of the following certifications are made with respect to the community:

''(i) By the Secretary of Labor, that a group of workers located in the community is eligible to apply for assistance under section 223.

''(ii) By the Secretary of Commerce, that a firm located in the community is eligible to apply for adjustment assistance under section 251.

''(iii) By the Secretary of Agriculture, that a group of agricultural commodity producers located in the community is eligible to apply for adjustment assistance under section 293.

''(B) The community—

''(i) applies for assistance not later than 180 days after the date on which the most recent certification described in subparagraph (A) is made; or

''(ii) in the case of a community with respect to which one or more such certifications were made on or after January 1, 1994, and before the date of the enactment of this subchapter, applies for assistance not later than September 30, 2024.

''(C) The community—

''(i) has a per capita income of 80 percent or less of the national average;

''(ii) has a history of economic distress and long-term unemployment, as determined by the Secretary; or

''(iii) is significantly affected by a loss of, or threat to, the jobs associated with any certification described in subparagraph (A), or the community is undergoing transition of its economic base as a result of changing trade patterns, as determined by the Secretary.

''(b) NOTIFICATION OF ELIGIBILITY.—If one or more certifications described in subsection (a)(2)(A) are made with respect to a community, the applicable Secretary with respect to such certification shall concurrently notify the Governor of the State in which the community is located of the ability of the community to apply for assistance under this section.

''SEC. 274. GRANTS TO ELIGIBLE COMMUNITIES.

''(a) IN GENERAL.—The Secretary may—

''(1) upon the application of an eligible community, award a grant under this section to the community to assist in developing or updating a strategic plan that meets the requirements of section 275; or

''(2) upon the application of an eligible entity, award an implementation grant under this section to the entity to assist in implementing projects included in a strategic plan that meets the requirements of section 275.

''(b) SPECIAL PROVISIONS.—

''(1) REVOLVING LOAN FUND GRANTS.—

''(A) IN GENERAL.—The Secretary shall maintain the proper operation and financial integrity of revolving loan funds established by eligible entities with assistance under this section.

''(B) EFFICIENT ADMINISTRATION.—The Secretary may—

''(i) at the request of an eligible entity, amend and consolidate grant agreements governing revolving loan funds to provide flexibility with respect to lending areas and borrower criteria; and

''(ii) assign or transfer assets of a revolving loan fund to third party for the purpose of liquidation, and the third party may retain assets of the fund to defray costs related to liquidation.

''(C) TREATMENT OF ACTIONS.—An action taken by the Secretary under this subsection with respect to a revolving loan fund shall not constitute a new obligation if all grant funds associated with the original grant award have been disbursed to the recipient.

''(2) USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECT COST.—

''(A) IN GENERAL.—In the case of a grant for a construction project under this section, if the Secretary determines, before closeout of the project, that the cost of the project, based on the designs and specifications that were the basis of the grant, has decreased because of decreases in costs, the Secretary may approve the use of the excess funds (or a portion of the excess funds) to improve the project.

''(B) OTHER USES OF EXCESS FUNDS.—Any amount of excess funds remaining after application of subparagraph (A) may be used by the Secretary for providing assistance under this section.

''(c) COORDINATION.—If an eligible institution (as such term is defined in section 279) located in an eligible community is seeking a grant under section 279 at the same time the community is seeking an implementation grant under subsection (a)—

''(1) the Secretary, upon receipt of such information from the Secretary of Labor as required under section 279(e), shall notify the community that the institution is seeking a grant under section 279; and

''(2) the community shall provide to the Secretary, in coordination with the institution, a description of how the community will integrate projects included in the strategic plan with the specific project for which the institution submits the grant proposal under section 279.

''(d) LIMITATION.—The total amount of grants awarded with respect to an eligible community under this section for fiscal years 2022 through 2025 may not exceed $25,000,000.

''(e) PRIORITY.—The Secretary shall, in awarding grants under this section, provide higher levels of funding with respect to eligible communities that have a history of economic distress and long-term unemployment, as determined by the Secretary.

''(f) GEOGRAPHIC DIVERSITY.—

''(1) IN GENERAL.—The Secretary shall, in awarding grants under this section, ensure that grants are awarded with respect to eligible communities from geographically diverse areas.

''(2) GEOGRAPHIC REGION REQUIREMENT.—The Secretary shall, in meeting the requirement under paragraph (1), award a grant under this section for each of the fiscal years 2022 through 2025 to at least one eligible community located in each geographic region for which regional offices of the Economic Development Administration of the Department of Commerce are responsible, to the extent that the Secretary receives an application from at least one eligible community in each such geographic region.

''(g) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance for communities—

''(1) to identify significant impediments to economic development that result from the impact of trade on the community, including in the course of developing a strategic plan under section 275; and

''(2) to access assistance under other available sources, including State, local, or private sources, to implement projects that diversify and strengthen the economy in the community.

''SEC. 275. STRATEGIC PLANS.

''(a) IN GENERAL.—A strategic plan meets the requirements of this section if—

''(1) the consultation requirements of subsection (b) are met with respect to the development of the plan;

''(2) the plan meets the requirements of subsection (c); and

''(3) the plan is approved in accordance with the requirements of subsection (d).

''(b) CONSULTATION.—

''(1) IN GENERAL.—To the extent practicable, an eligible community shall consult with the entities described in paragraph (2) in developing the strategic plan.

''(2) ENTITIES DESCRIBED.—The entities described in this paragraph are public and private entities located in or serving the eligible community, including—

''(A) local, county, or State government agencies;

''(B) firms, including small- and medium-sized firms;

''(C) local workforce investment boards;

''(D) labor organizations, including State labor federations and labor-management initiatives, representing workers in the community;

''(E) educational institutions, local educational agencies, and other training providers; and

''(F) local civil rights organizations and community-based organizations, including organizations representing underserved communities.

''(c) CONTENTS.—The strategic plan may contain, as applicable to the community, the following:

''(1) A description and analysis of the capacity of the eligible community to achieve economic adjustment to the impact of trade.

''(2) An analysis of the economic development challenges and opportunities facing the community, including the strengths and weaknesses of the economy of the community.

''(3) An assessment of—

''(A) the commitment of the community to carry out the strategic plan on a long-term basis;

''(B) the participation and input of members of the community who are dislocated from employment due to the impact of trade; and

''(C) the extent to which underserved communities have been impacted by trade.

''(4) A description of how underserved communities will benefit from the strategic plan.

''(5) A description of the role of the entities described in subsection (b)(2) in developing the strategic plan.

''(6) A description of projects under the strategic plan to facilitate the community's economic adjustment to the impact of trade, including projects to—

''(A) develop public facilities, public services, jobs, and businesses (including establishing a revolving loan fund);

''(B) provide for planning and technical assistance;

''(C) provide for training;

''(D) provide for the demolition of vacant or abandoned commercial, industrial, or residential property;

''(E) redevelop brownfields;

''(F) establish or support land banks;

''(G) support energy conservation; and

''(H) support historic preservation.

''(7) A strategy for continuing the community's economic adjustment to the impact of trade after the completion of such projects.

''(8) A description of the educational and training programs and the potential employment opportunities available to workers in the community, including for workers under the age of 25, and the future employment needs of the community.

''(9) An assessment of—

''(A) the cost of implementing the strategic plan; and

''(B) the timing of funding required by the community to implement the strategic plan.

''(10) A description of the methods of financing to be used to implement the strategic plan, including—

''(A) an implementation grant received under section 274 or under other authorities;

''(B) a loan, including the establishment of a revolving loan fund; or

''(C) other types of financing.

''(11) An assessment of how the community will address unemployment among agricultural commodity producers, if applicable.

''(d) APPROVAL; CEDS EQUIVALENT.—

''(1) APPROVAL.—The Secretary shall approve the strategic plan developed by an eligible community under this section if the Secretary determines that the strategic plan meets the requirements of this section.

''(2) CEDS OR EQUIVALENT.—The Secretary may deem an eligible community's Comprehensive Economic Development Strategy that substantially meets the requirements of this section to be an approved strategic plan for purposes of this subchapter.

''(e) ALLOCATION.—Of the funds appropriated to carry out this chapter for each of the fiscal years 2022 through 2025, the Secretary may make available not more than $50,000,000 to award grants under section 274(a)(1).

''SEC. 276. GENERAL PROVISIONS.

''(a) REGULATIONS.—

''(1) IN GENERAL.—The Secretary shall, subject to paragraph (3), promulgate such regulations as may be necessary to carry out this subchapter, including with respect to—

''(A) administering the awarding of grants under section 274, including establishing guidelines for the submission and evaluation of grant applications under such section; and

''(B) establishing guidelines for the evaluation of strategic plans developed to meet the requirements of section 275.

''(2) CONSULTATIONS.—The Secretary shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than 90 days prior to promulgating any final rule or regulation under this subsection.

''(3) RELATIONSHIP TO EXISTING REGULATIONS.—The Secretary, to the maximum extent practicable, shall—

''(A) rely on and apply regulations promulgated to carry out other economic development programs of the Department of Commerce in carrying out this subchapter; and

''(B) provide guidance regarding the manner and extent to which such other economic development programs relate to this subchapter.

''(b) RESOURCES.—The Secretary shall allocate such resources as may be necessary to provide sufficiently individualized assistance to each eligible community that receives a grant under section 274(a) or seeks technical assistance under section 274(g) to develop and implement a strategic plan that meets the requirements of section 275.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by striking the items relating to chapter 4 of title II and inserting the following:

''CHAPTER 4—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

''SUBCHAPTER A—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

''Sec. 271. Definitions.
''Sec. 272. Establishment of trade adjustment assistance for communities program.
''Sec. 273. Eligibility; notification of eligibility.
''Sec. 274. Grants to eligible communities.
''Sec. 275. Strategic plans.
''Sec. 276. General provisions.

''SUBCHAPTER B—COMMUNITY COLLEGE AND CAREER TRAINING GRANT PROGRAM

''Sec. 279. Community College and Career Training Grant Program.
''Sec. 279A. Authorization of appropriations.''.

SEC. 133302. TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITY COLLEGES AND CAREER TRAINING.

Section 279 of the Trade Act of 1974, as redesignated by section 133301(a)(2), is amended as follows:

(1) In subsection (a)—

(A) in paragraph (1), by striking ''eligible institutions'' and inserting ''eligible entities''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''eligible institution'' and inserting ''eligible entity''; and

(ii) in subparagraph (B)—

(I) by striking ''$1,000,000'' and inserting ''$2,500,000'';

(II) by striking ''(B)'' and inserting ''(B)(i) in the case of an eligible institution,'';

(III) by striking the period at the end and inserting ''; or''; and

(IV) by adding at the end the following:

''(ii) in the case of a consortium of eligible institutions, a grant under this section in excess of $15,000,000.''.

(2) In subsection (b), by adding at the end the following:

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means an eligible institution or a consortium of eligible institutions.

''(4) UNDERSERVED COMMUNITY.—The term 'underserved community' has the meaning given that term in section 247.''.

(3) In subsection (c)—

(A) by striking ''eligible institution'' each place it appears and inserting ''eligible entity''; and

(B) in paragraph (5)(A)(i)—

(i) in subclause (I), by striking ''and'' at the end; and

(ii) by adding at the end the following:

''(III) any opportunities to support industry or sector partnerships to develop or expand quality academic programs and curricula; and''.

(4) In subsection (d), by striking ''eligible institution'' each place it appears and inserting ''eligible entity''.

(5) By redesignating subsection (e) as subsection (h) and inserting after subsection (d) the following:

''(e) USE OF FUNDS.—

''(1) IN GENERAL.—An eligible entity shall use a grant awarded under this section to establish and scale career training programs, including career and technical education programs, and career pathways and supports for students participating in such programs.

''(2) STUDENT SUPPORT AND EMERGENCY SERVICES.—Not less than 15 percent of the amount of a grant awarded to an eligible entity under this section shall be used to carry out student support services, which may include the following:

''(A) Supportive services, including childcare, transportation, mental health services, substance use disorder prevention and treatment, assistance in obtaining health insurance coverage, housing, and other benefits, as appropriate.

''(B) Connecting students to State or Federal means-tested benefits programs.

''(C) The provision of direct financial assistance to help students facing financial hardships that may impact enrollment in or completion of a program supported by such funds.

''(D) Navigation, coaching, mentorship, and case management services, including providing information and outreach to the population described in subparagraph (C) to take part in such a program.

''(E) Providing access to necessary supplies, materials, technological devices, or required equipment, and other supports necessary to participate in such a program.

''(f) PLAN FOR OUTREACH TO UNDERSERVED COMMUNITIES.—

''(1) IN GENERAL.—In awarding grants under this section, the Secretary shall—

''(A) ensure that eligible institutions effectively serve individuals from underserved communities; and

''(B) develop a plan to ensure that grants provided under this subchapter effectively serve individuals from underserved communities.

''(2) UPDATES.—The Secretary shall update the plan required by paragraph (1)(B) on an annual basis.

''(3) SUBMISSION TO CONGRESS.—The Secretary shall submit the plan required by paragraph (1)(B) and each update to the plan required by paragraph (2) to Congress.

''(g) GEOGRAPHIC DIVERSITY.—The Secretary shall, in awarding grants under this section, ensure that grants are awarded with respect to eligible entities from geographically diverse areas.''.

PART 4—TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

SEC. 133401. DEFINITIONS.

Section 291 of the Trade Act of 1974 (19 U.S.C. 2401) is amended—

(1) by striking paragraph (3);

(2) by redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively; and

(3) by adding at the end the following:

''(7) UNDERSERVED COMMUNITY.—The term 'underserved community' has the meaning given that term in section 247.''.

SEC. 133402. GROUP ELIGIBILITY REQUIREMENTS.

Section 292 of the Trade Act of 1974 (19 U.S.C. 2401a) is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''85 percent of'' each place it appears; and

(ii) in subparagraph (D), by adding ''and'' at the end;

(B) in paragraph (2), by striking ''(2)'' and inserting ''(2)(A)(i)'';

(C) by redesignating paragraph (3) as clause (ii) of paragraph (2)(A) (as designated by subparagraph (B));

(D) in clause (ii) of paragraph (2)(A) (as redesignated by subparagraph (C))—

(i) by striking ''importantly''; and

(ii) by striking the period at the end and inserting ''; or'' ; and

(E) in paragraph (2), by adding at the end the following:

''(B)(i) the volume of exports of the agricultural commodity produced by the group in the marketing year with respect to which the group files the petition decreased compared to the average volume of such exports during the 3 marketing years preceding such marketing year; and

''(ii) the decrease in such exports contributed to the decrease in the national average price, quantity of production, or value of production of, or cash receipts for, the agricultural commodity, as described in paragraph (1).''; and

(2) in subsection (e)(3), by adding at the end before the period the following: ''or exports''.

SEC. 133403. BENEFIT INFORMATION TO AGRICULTURAL COMMODITY PRODUCERS.

Section 295(a) of the Trade Act of 1974 (19 U.S.C. 2401d(a)) is amended by adding at the end the following: ''The Secretary shall develop a plan to conduct targeted sustained outreach and offer assistance to agricultural commodity producers from underserved communities''.

SEC. 133404. QUALIFYING REQUIREMENTS AND BENEFITS FOR AGRICULTURAL COMMODITY PRODUCERS.

Section 296 of the Trade Act of 1974 (19 U.S.C. 2401e) is amended—

(1) in subsection (a)(1)(A), by striking ''90 days'' and inserting ''120 days'';

(2) in subsection (b)—

(A) in paragraph (3)(B), by striking ''$4,000'' and inserting ''$12,000''; and

(B) in paragraph (4)(C), by striking ''$8,000'' and inserting ''$24,000'';

(3) in subsection (c), by striking ''$12,000'' and inserting ''$36,000''; and

(4) by adding at the end the following new subsection:

''(e) ADJUSTMENTS FOR INFLATION.—

''(1) IN GENERAL.—The Secretary of Agriculture shall adjust each dollar amount limitation described in this section on the date that is 30 days after the date of the enactment of this subsection, and at the beginning of each fiscal year thereafter, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index for the preceding 12-month period compared to the Consumer Price Index for fiscal year 2020.

''(2) SPECIAL RULES FOR CALCULATION OF ADJUSTMENT.—In making an adjustment under paragraph (1), the Secretary—

''(A) shall round the amount of any increase in the Consumer Price Index to the nearest dollar; and

''(B) may ignore any such increase of less than 1 percent.

''(3) CONSUMER PRICE INDEX DEFINED.—For purposes of this subsection, the term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.''.

PART 5—APPROPRIATIONS AND OTHER MATTERS

SEC. 133501. EXTENSION OF AND APPROPRIATIONS FOR TRADE ADJUSTMENT ASSISTANCE PROGRAM.

(a) EXTENSION OF TERMINATION PROVISIONS.—Section 285 of the Trade Act of 1974 (19 U.S.C. 2271 note) is amended by striking ''2021'' each place it appears and inserting ''2025''.

(b) TRAINING FUNDS.—Section 236(a)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)(A)) , as amended by section 133110(c)(2)(B), is further amended—

(1) by striking ''shall not exceed $450,000,000'' and inserting the following: ''shall not exceed—

''(i) $450,000,000'';

(2) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(ii) $1,000,000,000 for each of the fiscal years 2022 through 2025.''.

(c) REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE.—Section 246(b)(1) of the Trade Act of 1974 (19 U.S.C. 2318(b)(1)) is amended by striking ''2021'' and inserting ''2025''.

(d) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) TRADE ADJUSTMENT ASSISTANCE FOR WORKERS.—Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended—

(A) in subsection (a), by striking ''2021'' and inserting ''2025''; and

(B) by adding at the end the following:

''(d) RESERVATION BY THE SECRETARY.—Of the funds appropriated to carry out this chapter for any fiscal year, the Secretary of Labor may reserve not more than 1 percent for administration of the program (in addition to amounts otherwise available for such purposes), technical assistance, grants for pilots and demonstrations, and the evaluation of activities carried out under this chapter.''.

(2) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.—Section 255(a) of the Trade Act of 1974 (19 U.S.C. 2345(a)) is amended in the first sentence by adding at the end before the period the following: ''and $50,000,000 for each of the fiscal years 2022 through 2025''.

(3) TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITY COLLEGES AND CAREER TRAINING.—Subsection (a) of section 279A of the Trade Act of 1974 (as redesignated) is amended by striking ''$40,000,000'' and all that follows through ''December 31, 2010,'' and inserting ''$300,000,000 for each of the fiscal years 2022 through 2025''.

(4) TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.—Section 298 of the Trade Act of 1974 (19 U.S.C. 2401g(a)) is amended—

(A) in subsection (a)—

(i) by striking ''$90,000,000'' and inserting ''$10,000,000''; and

(ii) by striking ''2021'' and inserting ''2025''; and

(B) by adding at the end the following:

''(c) RESERVATION BY THE SECRETARY.—Of the funds appropriated to carry out this chapter for any fiscal year, the Secretary of Agriculture may not reserve more than 5 percent for technical assistance, pilots and demonstrations, and

the evaluation of activities carried out under this chapter.''.

(e) APPROPRIATIONS.—

(1) TRADE ADJUSTMENT ASSISTANCE FOR WORKERS.—In addition to amounts otherwise available, there is appropriated for each of fiscal years 2022 through 2025, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until expended, to carry out the purposes of chapter 2 of title II of the Trade Act of 1974, as authorized by section 245 of the Trade Act of 1974 (19 U.S.C. 2317) (as amended by subsection (d)).

(2) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.—In addition to amounts otherwise available, there is appropriated for each of fiscal years 2022 through 2025, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until expended, to carry out the provisions of chapter 3 of title II of the Trade Act of 1974, as authorized by section 255 of the Trade Act of 1974 (19 U.S.C. 2345) (as amended by subsection (d)).

(3) TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES.—

(A) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for each of fiscal years 2022 through 2025, out of any money in the Treasury not otherwise appropriated, $300,000,000, to remain available for obligation until September 30, 2026, to carry out subchapter A of chapter 4 of title II of the Trade Act of 1974, as added by section 133301 of this Act.

(B) SALARIES AND EXPENSES.—Of the amounts appropriated pursuant subparagraph (A) for each of fiscal years 2022 through 2025, not more than $40,000,000 shall be made available for the salaries and expenses of personnel administering subchapter A of chapter 4 of title II of the Trade Act of 1974.

(C) SUPPLEMENT AND NOT SUPPLANT.—Amounts appropriated pursuant to subparagraph (A) for each of the fiscal years 2022 through 2025 shall be used to supplement, and not supplant, other Federal, State, regional, and local government funds made available to provide economic development assistance for communities.

(4) TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITY COLLEGES AND CAREER TRAINING.—

(A) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for each of fiscal years 2022 through 2025, out of any money in the Treasury not otherwise appropriated, $300,000,000, to remain available until expended, to carry out subchapter B of chapter 4 of title II of the Trade Act of 1974, as designated by section 13301 of this Act, as authorized by section 279A of such subchapter B (as redesignated and as amended by subsection (d)).

(B) RESERVATION BY THE SECRETARY.—Of the funds appropriated to carry out subchapter B of chapter 4 of title II of the Trade Act of 1974 for each of fiscal years 2022 through 2025, the Secretary of Labor may reserve not more than 5 percent for administration of the program, including providing technical assistance, sustained outreach to eligible institutions effectively serving underserved communities, grants for pilots and demonstrations, and a rigorous third-party evaluation of the program carried out under such subchapter.

(5) TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.—In addition to amounts otherwise available, there is appropriated for each of fiscal years 2022 through 2025, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until expended, to carry out the purposes of chapter 6 of title II of the Trade Act of 1974, as authorized by section 298 of the Trade Act of 1974 (19 U.S.C. 2401) (as amended by subsection (d)).

SEC. 133502. APPLICABILITY OF TRADE ADJUSTMENT ASSISTANCE PROVISIONS.

(a) WORKERS CERTIFIED BEFORE DATE OF ENACTMENT.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a worker certified as eligible for adjustment assistance under section 222 of the Trade Act of 1974 before the date of the enactment of this Act shall be eligible, on and after such date of enactment, to receive benefits only under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on such date of enactment, or as such provisions may be amended after such date of enactment.

(2) COMPUTATION OF MAXIMUM BENEFITS.—Benefits received by a worker described in paragraph (1) under chapter 2 of title II of the Trade Act of 1974 before the date of the enactment of this Act shall be included in any determination of the maximum benefits for which the worker is eligible under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on the date of the enactment of this Act, or as such provisions may be amended after such date of enactment.

(3) AUTHORITY TO MAKE ADJUSTMENTS TO BENEFITS.—For the 90-day period beginning on the date of the enactment of this Act, the Secretary is authorized to make any adjustments to benefits to workers described in paragraph (1) that the Secretary determines to be necessary and appropriate in applying and administering the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on the date of the enactment of this Act, or as such provisions may be amended after such date of enactment, in a manner that ensures parity of treatment between the benefits of such workers and the benefits of workers certified after such date of enactment.

(b) WORKERS NOT CERTIFIED PURSUANT TO CERTAIN PETITIONS FILED BEFORE DATE OF ENACTMENT.—

(1) CERTIFICATIONS OF WORKERS NOT CERTIFIED BEFORE DATE OF ENACTMENT.—

(A) CRITERIA IF A DETERMINATION HAS NOT BEEN MADE.—If, as of the date of the enactment of this Act, the Secretary of Labor has not made a determination with respect to whether to certify a group of workers as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C), the Secretary shall make that determination based on the requirements of section 222 of the Trade Act of 1974, as in effect on such date of enactment.

(B) RECONSIDERATION OF DENIALS OF CERTIFICATIONS.—If, before the date of the enactment of this Act, the Secretary made a determination not to certify a group of workers as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C), the Secretary shall—

(i) reconsider that determination; and

(ii) if the group of workers meets the requirements of section 222 of the Trade Act of 1974, as in effect on such date of enactment, certify the group of workers as eligible to apply for adjustment assistance.

(C) PETITION DESCRIBED.—A petition described in this subparagraph is a petition for a certification of eligibility for a group of workers filed under section 221 of the Trade Act of 1974 on or after January 1, 2021, and before the date of the enactment of this Act.

(2) ELIGIBILITY FOR BENEFITS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a worker certified as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in paragraph (1)(C) shall be eligible, on and after the date of the enactment of this Act, to receive benefits only under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on such date of enactment, or as such provisions may be amended after such date of enactment.

(B) COMPUTATION OF MAXIMUM BENEFITS.—Benefits received by a worker described in paragraph (1) under chapter 2 of title II of the Trade Act of 1974 before the date of the enactment of this Act shall be included in any determination of the maximum benefits for which the worker is eligible under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on the date of the enactment of this Act, or as such provisions may be amended after such date of enactment.

(c) CONFORMING AMENDMENTS.—

(1) TRADE ACT OF 2002.—Section 151 of the Trade Act of 2002 (19 U.S.C. note prec. 2271) is amended by striking subsections (a), (b), and (c).

(2) TRADE AND GLOBALIZATION ADJUSTMENT ASSISTANCE ACT OF 2009.—Section 1891 of the Trade and Globalization Adjustment Assistance Act of 2009 (19 U.S.C. 2271 note) is repealed.

(3) TRADE ADJUSTMENT ASSISTANCE EXTENSION ACT OF 2011.—The Trade Adjustment Assistance Extension Act of 2011 is amended—

(A) in section 201 (19 U.S.C. note prec. 2271), by striking subsections (b) and (c); and

(B) in section 231(a) (19 U.S.C. 2271 note), by striking paragraphs (1)(B) and (2).

(4) TRADE ADJUSTMENT ASSISTANCE REAUTHORIZATION ACT OF 2015.—The Trade Adjustment Assistance Reauthorization Act of 2015 is amended—

(A) in section 402 (19 U.S.C. note prec. 2271), by striking subsections (b) and (c); and

(B) in section 405(a)(1) (19 U.S.C. 2319(a)(1)), by striking subparagraph (B).

(d) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.—

(1) CERTIFICATION OF FIRMS NOT CERTIFIED BEFORE DATE OF ENACTMENT.—

(A) CRITERIA IF A DETERMINATION HAS NOT BEEN MADE.—If, as of the date of the enactment of this Act, the Secretary of Commerce has not made a determination with respect to whether to certify a firm as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C), the Secretary shall make that determination based on the requirements of section 251 of the Trade Act of 1974, as in effect on such date of enactment.

(B) RECONSIDERATION OF DENIAL OF CERTAIN PETITIONS.—If, before the date of the enactment of this Act, the Secretary made a determination not to certify a firm as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C), the Secretary shall—

(i) reconsider that determination; and

(ii) if the firm meets the requirements of section 251 of the Trade Act of 1974, as in effect on such date of enactment, certify the firm as eligible to apply for adjustment assistance.

(C) PETITION DESCRIBED.—A petition described in this subparagraph is a petition for a certification of eligibility filed by a firm or its representative under section 251 of the Trade Act of 1974 on or after January 1, 2021, and before the date of the enactment of this Act.

(2) CERTIFICATION OF FIRMS THAT DID NOT SUBMIT PETITIONS BETWEEN JANUARY 1, 2021, AND DATE OF ENACTMENT.—

(A) IN GENERAL.—The Secretary of Commerce shall certify a firm described in subparagraph (B) as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974, as in effect on the date of the enactment of this Act, if the firm or its representative files a petition for a certification of eligibility under section 251 of the Trade Act of 1974 not later than 90 days after such date of enactment.

(B) FIRM DESCRIBED.—A firm described in this subparagraph is a firm that the Secretary determines would have been certified as eligible to apply for adjustment assistance if—

(i) the firm or its representative had filed a petition for a certification of eligibility under section 251 of the Trade Act of 1974 on a date during the period beginning on January 1, 2021, and ending on the day before the date of the enactment of this Act; and

(ii) the provisions of chapter 3 of title II of the Trade Act of 1974, as in effect on such date of enactment, had been in effect on that date during the period described in clause (i).

SEC. 133503. SUNSET PROVISIONS.

(a) APPLICATION OF PRIOR LAW.—Subject to subsection (b), beginning on July 1, 2025, the provisions of chapters 2, 3, 5, and 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271-2401g), as in effect on January 1, 2014, shall be in effect and apply, except that in applying and administering such chapters—

(1) paragraph (1) of section 231(c) of that Act shall be applied and administered as if subparagraphs (A), (B), and (C) of that paragraph were not in effect;

(2) section 233 of that Act shall be applied and administered—

(A) in subsection (a)—

(i) in paragraph (2), by substituting ''104-week period'' for ''104-week period'' and all that follows through ''130-week period)''; and

(ii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by substituting ''65'' for ''52''; and

(II) by substituting ''78-week period'' for ''52-week period'' each place it appears; and

(B) by applying and administering subsection (g) as if it read as follows:

''(g) PAYMENT OF TRADE READJUSTMENT ALLOWANCES TO COMPLETE TRAINING.—Notwithstanding any other provision of this section, in order to assist an adversely affected worker to complete training approved for the worker under section 236 that leads to the completion of a degree or industry-recognized credential, payments may be made as trade readjustment allowances for not more than 13 weeks within such period of eligibility as the Secretary may prescribe to account for a break in training or for justifiable cause that follows the last week for which the worker is otherwise entitled to a trade readjustment allowance under this chapter if—

''(1) payment of the trade readjustment allowance for not more than 13 weeks is necessary for the worker to complete the training;

''(2) the worker participates in training in each such week; and

''(3) the worker—

''(A) has substantially met the performance benchmarks established as part of the training approved for the worker;

''(B) is expected to continue to make progress toward the completion of the training; and

''(C) will complete the training during that period of eligibility.'';

(3) section 245(a) of that Act shall be applied and administered by substituting ''June 30, 2025'' for ''December 31, 2007'';

(4) section 246(b)(1) of that Act shall be applied and administered by substituting ''June 30, 2025'' for ''the date that is 5 years'' and all that follows through ''State'';

(5) section 256(b) of that Act shall be applied and administered by substituting ''the 1-year period beginning on July 1, 2025'' for ''each of fiscal years 2003 through 2007, and $4,000,000 for the 3-month period beginning on October 1, 2007'';

(6) section 298(a) of that Act shall be applied and administered by substituting ''the 1-year period beginning on July 1, 2025'' for ''each of the fiscal years'' and all that follows through ''October 1, 2007''; and

(7) section 285 of that Act shall be applied and administered—

(A) in subsection (a), by substituting ''June 30, 2026'' for ''December 31, 2007'' each place it appears; and

(B) by applying and administering subsection (b) as if it read as follows:

''(b) OTHER ASSISTANCE.—

''(1) ASSISTANCE FOR FIRMS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 3 after June 30, 2026.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 3 pursuant to a petition filed under section 251 on or before June 30, 2026, may be provided—

''(i) to the extent funds are available pursuant to such chapter for such purpose; and

''(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.

''(2) FARMERS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 6 after June 30, 2026.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 6 on or before June 30, 2026, may be provided—

''(i) to the extent funds are available pursuant to such chapter for such purpose; and

''(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.''.

(b) EXCEPTIONS.—The provisions of chapters 2, 3, 5, and 6 of title II of the Trade Act of 1974, as in effect on the date of the enactment of this Act, shall continue to apply on and after July 1, 2025, with respect to—

(1) workers certified as eligible for trade adjustment assistance benefits under chapter 2 of title II of that Act pursuant to petitions filed under section 221 of that Act before July 1, 2025;

(2) firms certified as eligible for technical assistance or grants under chapter 3 of title II of that Act pursuant to petitions filed under section 251 of that Act before July 1, 2025; and

(3) agricultural commodity producers certified as eligible for technical or financial assistance under chapter 6 of title II of that Act pursuant to petitions filed under section 292 of that Act before July 1, 2025.

Subtitle D—Career Pathways and Social Services

PART 1—PROVISIONS RELATING TO PATHWAYS TO HEALTH CAREERS

SEC. 134101. PATHWAYS TO HEALTH CAREERS.

Effective October 1, 2021, title XX of the Social Security Act (42 U.S.C. 1397–1397n–13) is amended by adding at the end the following:

''Subtitle D—Career Pathways Through Health Profession Opportunity Grants

''SEC. 2071. CAREER PATHWAYS THROUGH HEALTH PROFESSION OPPORTUNITY GRANTS.

''(a) APPLICATION REQUIREMENTS.—An eligible entity desiring a grant under this section for a project shall submit to the Secretary an application for the grant, that includes the following:

''(1) A description of how the applicant will use a career pathways approach to train eligible individuals for health professions that will put eligible individuals on a career path to an occupation that pays well, under the project.

''(2) A description of the adult basic education and literacy activities, work readiness activities, training activities, and case management and career coaching services that the applicant will use to assist eligible individuals to gain work experience, connection to employers, and job placement, and a description of the plan for recruiting, hiring, and training staff to provide the case management, mentoring, and career coaching services, under the project directly or through local governmental, apprenticeship, educational, or charitable institutions.

''(3) A demonstration that the applicant has experience working with low-income populations, or a description of the plan of the applicant to work with a partner organization that has the experience.

''(4) A plan for providing post-employment support and ongoing training as part of a career pathway under the project.

''(5) A description of the support services that the applicant will provide under the project, including a plan for how child care and transportation support services will be guaranteed and, if the applicant will provide a cash stipend or wage supplement, how the stipend or supplement would be calculated and distributed.

''(6) A certification by the applicant that the project development included—

''(A) consultation or commitment to consult with a local workforce development board;

''(B) consideration of registered apprenticeship and pre-apprenticeship models;

''(C) consideration of career pathway programs in the State in which the project is to be conducted; and

''(D) a review of the State plan under section 102 or 103 of the Workforce Innovation and Opportunity Act.

''(7) A description of the availability and relevance of recent labor market information and other pertinent evidence of in-demand jobs or worker shortages.

''(8) A certification that the applicant will directly provide or contract for the training services described in the application.

''(9) A commitment by the applicant that, if the grant is made to the applicant, the applicant will—

''(A) during the planning period for the project, provide the Secretary with any information needed by the Secretary to establish adequate data reporting and administrative structure for the project;

''(B) hire a person to direct the project not later than the end of the planning period applicable to the project;

''(C) accept all technical assistance offered by the Secretary with respect to the grant;

''(D) participate in peer technical assistance conferences as are regularly scheduled by the Secretary; and

''(E) provide all data required by the Secretary under subsection (g).

''(b) ADDITIONAL APPLICATION ELEMENT.—In considering applications for a grant under this section, the Secretary shall require qualified applicants to have at least 1 of the following application elements—

''(1) applications submitted by applicants to whom a grant was made under this section or any predecessor to this section;

''(2) applications submitted by applicants who have business and community partners in each of the following categories:

''(A) State and local government agencies and social service providers, including a State or local entity that administers a State program funded under part A of this title;

''(B) institutions of higher education, apprenticeship programs, and local workforce development boards; and

''(C) health care employers, health care industry or sector partnerships, labor unions, and labor-management partnerships;

''(3) applications that include opportunities for mentoring or peer support, and make career coaching available, as part of the case management plan;

''(4) applications which describe a project that will serve a rural area in which—

''(A) the community in which the individuals to be enrolled in the project reside is located;

''(B) the project will be conducted; or

''(C) an employer partnership that has committed to hiring individuals who successfully complete all activities under the project is located;

''(5) applications that include a commitment to providing project participants with a cash stipend or wage supplement; and

''(6) applications which have an emergency cash fund to assist project participants financially in emergency situations.

''(c) GRANTS.—

''(1) COMPETITIVE GRANTS.—

''(A) GRANT AUTHORITY.—

''(i) IN GENERAL.—The Secretary shall make a grant in accordance with this paragraph to an eligible entity whose application for the grant is approved by the Secretary, to conduct a project designed to train low-income individuals for allied health professions, health information technology, physician assistants, nursing assistants, registered nurse, advanced practice nurse, and other professions considered part of a health care career pathway model.

''(ii) GUARANTEE OF GRANTEES IN EACH STATE AND THE DISTRICT OF COLUMBIA.—For each

grant cycle, the Secretary shall award a grant under this paragraph to at least 2 eligible entities in each State that is not a territory, to the extent there are a sufficient number of applications that have a high likelihood of success and that are submitted by the entities that meet the requirements applicable with respect to such a grant. If, for a grant cycle, there are fewer than 2 such eligible entities in a State that have submitted applications with a high likelihood of success, the Secretary shall identify qualified eligible applicants located elsewhere, that are otherwise approved but un-funded, and issue a Substitution of Grant and tailored technical assistance. In the preceding sentence, the term 'issue a Substitution of Grant' means, in a case in which an approved grantee does not complete its full project period, or in which there are fewer than 2 qualified grantees per State with a high likelihood of success, substitute an applicant located in another State that was approved but un-funded during the competition for the award for the award recipient.

''(B) GUARANTEE OF GRANTS FOR INDIAN POPULATIONS.—The Secretary shall award a grant under this paragraph to at least 10 eligible entities that are an Indian tribe, an Alaska Native Corporation, a tribal organization, or a tribal college or university, to the extent there are a sufficient number of applications submitted by the entities that meet the requirements applicable with respect to such a grant.

''(C) GUARANTEE OF GRANTEES IN THE TERRITORIES.—The Secretary shall award a grant under this paragraph to at least 2 eligible entities that are located in a territory, to the extent there are a sufficient number of applications submitted by the entities that meet the requirements applicable with respect to such a grant.

''(2) GRANT CYCLE.—The grant cycle under this section shall be not less than 5 years, with a planning period of not more than the first 12 months of the grant cycle. During the planning period, the amount of the grant shall be in such lesser amount as the Secretary determines appropriate.

''(d) USE OF GRANT.—

''(1) IN GENERAL.—An entity to which a grant is made under this section shall use the grant in accordance with the approved application for the grant.

''(2) SUPPORT TO BE PROVIDED.—

''(A) REQUIRED SUPPORT.—A project for which a grant is made under this section shall include the following:

''(i) An assessment for adult basic skill competency, and provision of adult basic skills education if necessary for lower-skilled eligible individuals to enroll in the project and go on to enter and complete post-secondary training, through means including the following:

''(I) Establishing a network of partners that offer pre-training activities for project participants who need to improve basic academic skills or English language proficiency before entering a health occupational training career pathway program.

''(II) Offering resources to enable project participants to continue advancing adult basic skill proficiency while enrolled in a career pathway program.

''(III) Embedding adult basic skill maintenance as part of ongoing post-graduation career coaching and mentoring.

''(ii) A guarantee that child care is an available and affordable support service for project participants through means such as the following:

''(I) Referral to, and assistance with, enrollment in a subsidized child care program.

''(II) Direct payment to a child care provider if a slot in a subsidized child care program is not available or reasonably accessible.

''(III) Payment of co-payments or associated fees for child care.

''(iii) Case management plans that include career coaching (with the option to offer appropriate peer support and mentoring opportunities to help develop soft skills and social capital), which may be offered on an ongoing basis before, during, and after initial training as part of a career pathway model.

''(iv) A plan to provide project participants with transportation through means such as the following:

''(I) Referral to, and assistance with enrollment in, a subsidized transportation program.

''(II) If a subsidized transportation program is not reasonably available, direct payments to subsidize transportation costs.

For purposes of this clause, the term 'transportation' includes public transit, or gasoline for a personal vehicle if public transit is not reasonably accessible or available.

''(B) ALLOWED SUPPORT.—The goods and services provided under a project for which a grant is made under this section may include the following:

''(i) A cash stipend.

''(ii) A reserve fund for financial assistance to project participants in emergency situations.

''(iii) Tuition, certification exam fees, and training materials such as books, software, uniforms, shoes, connection to the internet, hair nets, and personal protective equipment.

''(iv) In-kind resource donations such as interview clothing and conference attendance fees.

''(v) Assistance with accessing and completing high school equivalency or adult basic education courses as necessary to achieve success in the project and make progress toward career goals.

''(vi) Assistance with programs and activities, including legal assistance, deemed necessary to address arrest or conviction records as an employment barrier.

''(vii) Other support services as deemed necessary for family well-being, success in the project, and progress toward career goals.

''(3) TRAINING.—The number of hours of training provided to an eligible individual under a project for which a grant is made under this section, for a recognized postsecondary credential (including an industry-recognized credential, and a certificate awarded by a local workforce development board), which is awarded in recognition of attainment of measurable technical or occupational skills necessary to gain employment or advance within an occupation, shall be—

''(A) not less than the number of hours of training required for certification in that level of skill by the State in which the project is conducted; or

''(B) if there is no such requirement, such number of hours of training as the Secretary finds is necessary to achieve that skill level.

''(4) INCLUSION OF TANF RECIPIENTS.—In the case of a project for which a grant is made under this section that is conducted in a State that has a program funded under part A of title IV, at least 10 percent of the eligible individuals to whom support is provided under the project shall meet the income eligibility requirements under that State program, without regard to whether the individuals receive benefits or services directly under that State program.

''(5) INCOME LIMITATION.—An entity to which a grant is made under this section shall not use the grant to provide support to a person who is not an eligible individual.

''(6) PROHIBITION.—An entity to which a grant is made under this section shall not use the grant for purposes of entertainment, except that case management and career coaching services may include celebrations of specific career-based milestones such as completing a semester, graduation, or job placement.

''(e) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall provide technical assistance—

''(A) to assist eligible entities in applying for grants under this section;

''(B) that is tailored to meet the needs of grantees at each stage of the administration of projects for which grants are made under this section;

''(C) that is tailored to meet the specific needs of Indian tribes, Alaska Native Corporations, tribal organizations, and tribal colleges and universities;

''(D) that is tailored to meet the specific needs of the territories;

''(E) that is tailored to meet the specific needs of applicants, eligible entities, and grantees, in carrying out dedicated career pathway projects pursuant to subsections (h) and (i); and

''(F) to facilitate the exchange of information among eligible entities regarding best practices and promising practices used in the projects.

''(2) CONTINUATION OF PEER TECHNICAL ASSISTANCE CONFERENCES.—The Secretary shall continue to hold peer technical assistance conferences for entities to which a grant is made under this section or was made under the immediate predecessor of this section. The preceding sentence shall not be interpreted to require any such conference to be held in person.

''(f) EVALUATION OF DEDICATED CAREER PATHWAYS.—

''(1) IN GENERAL.—The Secretary shall, by grant, contract, or interagency agreement, conduct rigorous and well-designed evaluations of the dedicated career pathway projects carried out pursuant to subsections (h) and (i).

''(2) REQUIREMENT APPLICABLE TO SECOND CHANCE CAREER PATHWAY.—In the case of a project of the type described in subsection (i), the evaluation shall include identification of successful activities for creating opportunities for developing and sustaining, particularly with respect to low-income individuals with arrest or conviction records, a health professions workforce that has accessible entry points, that meets high standards for education, training, certification, and professional development, and that provides increased wages and affordable benefits, including health care coverage, that are responsive to the needs of the workforce.

''(3) REQUIREMENT APPLICABLE TO MATERNAL MORTALITY CAREER PATHWAY.—In the case of a project of the type described in subsection (h), the evaluation shall include identification of successful activities for creating opportunities for developing and sustaining, particularly with respect to low-income individuals and other entry-level workers, a career pathway that has accessible entry points, that meets high standards for education, training, certification, and professional development, and that provides increased wages and affordable benefits, including health care coverage, that are responsive to the needs of the birth, pregnancy, and post-partum workforce.

''(g) REPORTS.—As a condition of funding, an eligible entity awarded a grant to conduct a project under this section shall submit interim reports to the Secretary on the activities carried out under the project, and, on the conclusion of the project, a final report on the activities.

''(h) MATERNAL MORTALITY CAREER PATHWAY.—

''(1) GRANT AUTHORITY.—The Secretary shall award grants in accordance with this subsection to eligible entities to conduct career pathway projects for the purpose of providing education for professions such as doulas, lactation consultants, childbirth educators, infant massage therapists, newborn care specialists, midwives, and other community health worker professions, for individuals to enter and follow a dedicated career pathway in the field of pregnancy, childbirth, or post-partum services in a State that recognizes doulas or midwives as health care providers and that provides payment for services provided by doulas or midwives, as the case may be, under the State plan approved under title XIX.

''(2) DURATION.—A grant awarded under this subsection shall have the same grant cycle as is provided in subsection (c)(2), and as a condition of funding the grantee shall comply with all data reporting requirements associated with the grant cycle.

''(3) APPLICATION REQUIREMENTS.—An entity seeking a grant under this subsection for a project shall submit to the Secretary an application for the grant, that includes the following:

''(A) A description of the partnerships, strategic staff hiring decisions, tailored program activities, or other programmatic elements of the project that are designed to support a strong career pathway in pregnancy, birth, or postpartum services.

''(B) A demonstration that the State in which the project is to be conducted recognizes and permits doulas and midwives to practice in the State.

''(C) A demonstration that the applicant has experience working with low-income populations, or a description of the plan of the applicant to work with a partner that has the experience.

''(4) SUPPORT TO BE PROVIDED.—The recipient of a grant under this subsection for a project shall provide required supportive services described in subsection (d)(2)(A) to project participants who need the services, and may expend the funding on eligible supportive services described in subsection (d)(2)(B).

''(i) SECOND CHANCE CAREER PATHWAY.—

''(1) GRANT AUTHORITY.—The Secretary shall award grants in accordance with this subsection to eligible entities to conduct career pathway projects for the purpose of providing education and training for eligible individuals with arrest or conviction records to enter and follow a career pathway in the health professions through occupations that are expected to experience a labor shortage or be in high demand.

''(2) DURATION.—A grant awarded under this subsection shall have the same grant cycle as is provided in subsection (c)(2), and as a condition of funding the grantee shall comply with all data reporting requirements associated with the grant cycle.

''(3) APPLICATION REQUIREMENTS.—An entity seeking a grant under this subsection for a project shall submit to the Secretary an application for the grant, that includes the following:

''(A) A demonstration that the State in which the project is to be conducted has in effect policies or laws that permit certain allied health and behavioral health care credentials to be awarded to people with certain arrest or conviction records (which policies or laws shall include appeals processes and other opportunities to demonstrate rehabilitation to obtain licensure and approval to work in the proposed health careers), and a plan described in the application which will use a legally permitted career pathway to train people with such a record to be trained and employed in such a career.

''(B) A discussion of how the project or future strategic hiring decisions will demonstrate the experience and expertise of the project in working with job seekers who have arrest or conviction records or employers with experience working with people with arrest or conviction records.

''(C) A demonstration that the applicant has experience working with low-income populations, or a description of the plan of the applicant to work with a partner that has the experience.

''(D) An identification of promising innovations or best practices that can be used to provide the training.

''(E) A proof of concept or demonstration that the applicant has done sufficient research on workforce shortage or in-demand jobs for which people with certain types of criminal records can be hired.

''(F) A plan for recruiting students who are eligible individuals into the project.

''(G) A plan for providing post-employment support and ongoing training as part of a career pathway under the project.

''(4) SUPPORT TO BE PROVIDED.—

''(A) REQUIRED SUPPORT.—A recipient of a grant under this subsection for a project shall provide—

''(i) access to legal assistance for project participants for the purpose of addressing arrest or conviction records and associated workforce barriers;

''(ii) assistance with programs and activities deemed necessary to address arrest or conviction records as an employment barrier;

''(iii) required supportive services described in subsection (d)(2)(A) to participants who need the services, and may expend funds on eligible supportive services described in subsection (d)(2)(B).

''(j) DEFINITIONS.—In this section:

''(1) ALASKA NATIVE CORPORATION.—The term 'Alaska Native Corporation' has the meaning given the term in section 3(m) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)).

''(2) ALLIED HEALTH PROFESSION.—The term 'allied health profession' has the meaning given the term in section 799B(5) of the Public Health Service Act.

''(3) CAREER PATHWAY.—The term 'career pathway' has the meaning given the term in section 3(7) of the Workforce Innovation and Opportunity Act.

''(4) DOULA.—The term 'doula' means an individual who—

''(A) is certified by an organization that has been established for not less than 5 years and that requires the completion of continuing education to maintain the certification, to provide non-medical advice, information, emotional support, and physical comfort to an individual during the individual's pregnancy, childbirth, and post-partum period; and

''(B) maintains the certification by completing the required continuing education.

''(5) ELIGIBLE ENTITY.—The term 'eligible entity' means any of the following entities that demonstrates in an application submitted under this section that the entity has the capacity to fully develop and administer the project described in the application:

''(A) A local workforce development board established under section 107 of the Workforce Innovation and Opportunity Act.

''(B) A State or territory, a political subdivision of a State or territory, or an agency of a State, territory, or such a political subdivision, including a State or local entity that administers a State program funded under part A of this title.

''(C) An Indian tribe, an Alaska Native Corporation, a tribal organization, or a tribal college or university.

''(D) An institution of higher education (as defined in the Higher Education Act of 1965).

''(E) A hospital (as defined in section 1861(e)).

''(F) A high-quality skilled nursing facility.

''(G) A Federally qualified health center (as defined in section 1861(aa)(4)).

''(H) A nonprofit organization described in section 501(c)(3) of the Internal Revenue Code of 1986, a labor organization, or an entity with shared labor-management oversight, that has a demonstrated history of providing health profession training to eligible individuals.

''(I) In the case of a project of the type provided for in subsection (h) of this section, an entity recognized by a State, an Indian tribe, an Alaska Native Corporation, or a tribal organization as qualified to train doulas or midwives, if midwives or doulas, as the case may be, are permitted to practice in the State involved.

''(J) An opioid treatment program (as defined in section 1861(jjj)(2)), and other high quality comprehensive addiction care providers.

''(6) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual whose family income does not exceed 200 percent of the Federal poverty level.

''(7) FEDERAL POVERTY LEVEL.—The term 'Federal poverty level' means the poverty line (as defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section applicable to a family of the size involved).

''(8) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101 or 102(a)(1)(B) of the Higher Education Act of 1965.

''(9) TERRITORY.—The term 'territory' means the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa.

''(10) TRIBAL COLLEGE OR UNIVERSITY.—The term 'tribal college or university' has the meaning given the term in section 316(b) of the Higher Education Act of 1965.

''(11) TRIBAL ORGANIZATION.—The term 'tribal organization' means the recognized governing body of any Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities.

''(k) FUNDING.—In addition to amounts otherwise available, there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated—

''(1) for grants under subsection (c)(1)(A)—

''(A) $318,750,000 for fiscal year 2022; and

''(B) $338,108,438 for each of fiscal years 2023 through 2026;

''(2) for grants under subsection (c)(1)(B)—

''(A) $17,000,000 for fiscal year 2022; and

''(B) $18,027,650 for each of fiscal years 2023 through 2026;

''(3) for grants under subsection (c)(1)(C)—

''(A) $21,250,000 for fiscal year 2022; and

''(B) $22,534,563 for each of fiscal years 2023 through 2026;

''(4) for projects conducted under subsections (h) and (i), $27,041,475 for each of fiscal years 2023 through 2026;

''(5) for the provision of technical assistance and administration—

''(A) for fiscal year 2022, $25,500,000 plus all amounts referred to in paragraphs (1) through (3) of this subsection that remain unused after all grant awards are made for the fiscal year; and

''(B) for each of fiscal years 2023 through 2026, $27,041,475 plus all amounts referred to in paragraphs (1) through (4) of this subsection that remain unused after all grant awards are made for the fiscal year; and

''(6) for studying the effects of the projects for which a grant is made under this section, and for administration, for the purpose of supporting the rigorous evaluation of the projects, and supporting the continued study of the short-, medium-, and long-term effects of all such projects, including the effectiveness of new or added elements of the projects—

''(A) $17,000,000 for fiscal year 2022; and

''(B) $18,027,650 for each of fiscal years 2023 through 2026.''.

PART 2—PROVISIONS RELATING TO ELDER JUSTICE

SEC. 134201. REAUTHORIZATION OF FUNDING FOR PROGRAMS TO PREVENT AND INVESTIGATE ELDER ABUSE, NEGLECT, AND EXPLOITATION.

(a) LONG-TERM CARE STAFF TRAINING GRANTS.—Section 2041 of the Social Security Act (42 U.S.C. 1397m) is amended to read as follows:

''SEC. 2041. NURSING HOME WORKER TRAINING GRANTS.

''(a) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, in addition to amounts otherwise available, there is appropriated to the Secretary for each of fiscal years 2023 through 2026—

''(1) $415,696,400 for grants under subsection (b)(1); and

''(2) $8,483,600 for grants under subsection (b)(2).

''(b) GRANTS.—

''(1) STATE ENTITLEMENT.—

''(A) IN GENERAL.—Each State shall be entitled to receive from the Secretary for each fiscal year specified in subsection (a) a grant in an

amount equal to the amount allotted to the State under subparagraph (B) of this paragraph.

''(B) STATE ALLOTMENTS.—The amount allotted to a State under this subparagraph for a fiscal year shall be—

''(i) the amount made available by subsection (a) for the fiscal year that is not required to be reserved by subsection (a); multiplied by

''(ii)(I) the number of State residents who have attained 65 years of age or are individuals with a disability, as determined by the Secretary using the most recent version of the American Community Survey published by the Bureau of the Census or a successor data set; divided by

''(II) the total number of such residents of all States.

''(2) GRANTS TO INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—

''(A) IN GENERAL.—The Secretary, in consultation with the Indian tribes and tribal organizations, shall make grants in accordance with this section to Indian tribes and tribal organizations who operate at least 1 eligible setting.

''(B) GRANT FORMULA.—The Secretary, in consultation with the Indian tribes and tribal organizations, shall devise a formula for distributing among Indian tribes and tribal organizations the amount required to be reserved by subsection (a) for each fiscal year.

''(3) SUB-GRANTS.—A State, Indian tribe, or tribal organization to which an amount is paid under this paragraph may use the amount to make sub-grants to local organizations, including community organizations, local non-profits, elder rights and justice groups, and workforce development boards for any purpose described in paragraph (1) or (2) of subsection (c).

''(c) USE OF FUNDS.—

''(1) REQUIRED USES.—A State to which an amount is paid under subsection (b) shall use the amount to—

''(A) provide wage subsidies to eligible individuals;

''(B) provide student loan repayment or tuition assistance to eligible individuals for a degree or certification in a field relevant to their position referred to in subsection (f)(1)(A);

''(C) guarantee affordable and accessible child care for eligible individuals, including help with referrals, co-pays, or other direct assistance; and

''(D) provide assistance where necessary with obtaining appropriate transportation, including public transportation if available, or gas money or transit vouchers for ride share, taxis, and similar types of transportation if public transportation is unavailable or impractical based on work hours or location.

''(2) AUTHORIZED USES.—A State to which an amount is paid under subsection (b) may use the amount to—

''(A) establish a reserve fund for financial assistance to eligible individuals in emergency situations;

''(B) provide in-kind resource donations, such as interview clothing and conference attendance fees;

''(C) provide assistance with programs and activities, including legal assistance, deemed necessary to address arrest or conviction records that are an employment barrier;

''(D) support employers operating an eligible setting in the State in providing employees with not less than 2 weeks of paid leave per year; or

''(E) provide other support services the Secretary deems necessary to allow for successful recruitment and retention of workers.

''(3) PROVISION OF FUNDS ONLY FOR THE BENEFIT OF ELIGIBLE INDIVIDUALS IN ELIGIBLE SETTINGS.—A State to which an amount is paid under subsection (b) may provide the amount to only an eligible individual or a partner organization serving an eligible individual.

''(4) NONSUPPLANTATION.—A State to which an amount is paid under subsection (b) shall not use the amount to supplant the expenditure of any State funds for recruiting or retaining employees in an eligible setting.

''(d) ADMINISTRATION.—A State to which a grant is made under subsection (b) shall reserve not more than 10 percent of the grant to—

''(1) administer subgrants in accordance with this section;

''(2) provide technical assistance and support for applying for and accessing such a subgrant opportunity;

''(3) publicize the availability of the subgrants;

''(4) carry out activities to increase the supply of eligible individuals; and

''(5) provide technical assistance to help subgrantees find and train individuals to provide the services for which they are contracted.

''(e) DEFINITIONS.—In this section:

''(1) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who—

''(A)(i) is a qualified home health aide, as defined in section 484.80(a) of title 42, Code of Federal Regulations;

''(ii) is a nurse aide approved by the State as meeting the requirements of sections 483.150 through 483.154 of such title, and is listed in good standing on the State nurse aide registry;

''(iii) is a personal care aide approved by the State, and furnishes personal care services, as defined in section 440.167 of such title;

''(iv) is a qualified hospice aide, as defined in section 418.76 of such title; or

''(v) is a licensed practical nurse or a licensed or certified social worker; or

''(vi) is receiving training to be certified or licensed as such an aide, nurse, or social worker; and

''(B) provides (or, in the case of a trainee, intends to provide) services as such an aide, nurse, or social worker in an eligible setting.

''(2) ELIGIBLE SETTING.—The term 'eligible setting' means—

''(A) a skilled nursing facility, as defined in section 1819;

''(B) a nursing facility, as defined in section 1919;

''(C) a home health agency, as defined in section 1891;

''(D) a facility provider approved to deliver home or community-based services authorized under State options described in subsection (c) or (i) of section 1915 or, as relevant, demonstration projects authorized under section 1115;

''(E) a hospice, as defined in section 1814;

''(F) an intermediate care facility, as defined in section 1905(d); or

''(G) a tribal assisted living facility.

''(3) TRIBAL ORGANIZATION.—The term 'tribal organization' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act.''.

(b) ADULT PROTECTIVE SERVICES FUNCTIONS AND GRANT PROGRAMS.—

(1) DIRECT FUNDING; STATE ENTITLEMENT.—Section 2042 of the Social Security Act (42 U.S.C. 1397m–1) is amended—

(A) in subsection (a)—

(i) in paragraph (1)(A)—

(I) by striking ''offices'' and inserting ''programs''; and

(II) by inserting ''and adults who are under a disability (as defined in section 216(i)(1))'' before the semicolon; and

(ii) by striking paragraph (2) and inserting the following:

''(2) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, in addition to amounts otherwise available, there are appropriated to the Secretary $8,483,600 for each of fiscal years 2023 through 2025 to carry out this subsection.'';

(B) in subsection (b)—

(i) in paragraph (2)—

(I) in subparagraph (A), by striking ''the availability of appropriations and''; and

(II) in subparagraph (B)—

(aa) in the heading for clause (i), by inserting ''AND THE DISTRICT OF COLUMBIA'' after ''STATES''; and

(bb) in clause (ii), by inserting ''or the District of Columbia'' after ''States''; and

(ii) by striking paragraph (5) and inserting the following:

''(5) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, in addition to amounts otherwise available, there are appropriated to the Secretary for each of fiscal years 2023 through 2025—

''(A) $415,696,400 for grants to States under this subsection; and

''(B) $8,483,600 for grants to Indian tribes and tribal organizations under this subsection.''; and

(C) in subsection (c), by striking paragraph (6) and inserting the following:

''(6) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, in addition to amounts otherwise available, there are appropriated to the Secretary $79,533,750 for each of fiscal years 2023 through 2025 to carry out this subsection.''.

(2) STATE ENTITLEMENT; GRANTS TO INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—Section 2042 of such Act (42 U.S.C. 1397m–1) is amended—

(A) in subsection (a)(1)(A), by striking ''State and local'' and inserting ''State, local, and tribal'';

(B) in subsection (b)(1), by striking ''the Secretary shall annually award grants to States in the amounts calculated under paragraph (2)'' and inserting ''each State shall be entitled to annually receive from the Secretary in the amounts calculated under paragraph (2), and the Secretary may annually award to each Indian tribe and tribal organization in accordance with paragraph (3), grants'';

(C) in subsection (b)(2)—

(i) in the paragraph heading, by inserting ''FOR A STATE'' after ''PAYMENT'';

(ii) in subparagraph (A), by striking ''to carry out'' and inserting ''for grants to States under''; and

(iii) in subparagraph (B)(i), by striking ''such year'' and inserting ''for grants to States under this subsection for the fiscal year''; and

(D) in subsection (b), by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively, and inserting after paragraph (2) the following:

''(3) AMOUNT OF PAYMENT TO INDIAN TRIBE OR TRIBAL ORGANIZATION.—The Secretary, in consultation with Indian tribes and tribal organizations, shall determine the amount of any grant to be made to each Indian tribe and tribal organization under this subsection. Paragraphs (4) and (5) shall apply to grantees under this paragraph in the same manner in which the paragraphs apply to States.'';

(E) in subsection (c)—

(i) in paragraph (1), by striking ''to States'' and inserting ''to States, Indian tribes, and tribal organizations'';

(ii) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by inserting ''and Indian tribes and tribal organizations'' after ''government''; and

(II) in subparagraph (D), by inserting ''or Indian tribe or tribal organization, as the case may be'' after ''government'';

(iii) in paragraph (4), by inserting ''or Indian tribe or tribal organization'' after ''a State'' the 1st place it appears; and

(iv) in paragraph (5)—

(I) by inserting ''or Indian tribe or tribal organization'' after ''Each State''; and

(II) by inserting ''or Indian tribe or tribal organization, as the case may be'' after ''the State''; and

(F) by adding at the end the following:

''(d) DEFINITIONS OF INDIAN TRIBE AND TRIBAL ORGANIZATION.—In this section, the terms 'Indian tribe' and 'tribal organization' have the meanings given the terms in section 419.''.

(3) CONFORMING AMENDMENT.—Section 2011(2) of such Act (42 U.S.C. 1397j(2)) is amended by striking ''such services provided to adults as the Secretary may specify'' and inserting ''services provided by an entity authorized by or under

State law address neglect, abuse, and exploitation of older adults and people with disabilities''.

(c) LONG-TERM CARE OMBUDSMAN PROGRAM GRANTS AND TRAINING.—Section 2043 of the Social Security Act (42 U.S.C. 1397m–2) is amended—

(1) in subsection (a), by striking paragraph (2) and inserting the following:

''(2) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, in addition to amounts otherwise available, there are appropriated to the Secretary to carry out this subsection—

''(A) $23,860,125 for fiscal year 2023; and

''(B) $31,813,500 for each of fiscal years 2024 and 2025.''; and

(2) in subsection (b), by striking paragraph (2) and inserting the following:

''(2) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, in addition to amounts otherwise available, there are appropriated to the Secretary $31,813,500 for each of fiscal years 2023 through 2025 to carry out this subsection.''.

(d) INCENTIVES FOR DEVELOPING AND SUSTAINING STRUCTURAL COMPETENCY IN PROVIDING HEALTH AND HUMAN SERVICES.—Part II of subtitle B of title XX of the Social Security Act (42 U.S.C. 1397m-1397m–5) is amended by adding at the end the following:

''SEC. 2047. INCENTIVES FOR DEVELOPING AND SUSTAINING STRUCTURAL COMPETENCY IN PROVIDING HEALTH AND HUMAN SERVICES.

''(a) GRANTS TO STATES TO SUPPORT LINKAGES TO LEGAL SERVICES AND MEDICAL LEGAL PARTNERSHIPS.—

''(1) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, in addition to amounts otherwise available, there are appropriated to the Secretary $530,225,000 for fiscal year 2023, to remain available for the purposes of this subsection through fiscal year 2028.

''(2) GRANTS.—Within 2 years after the date of the enactment of this section, the Secretary shall establish and administer a program of grants to States to support the adoption of evidence-based approaches to establishing or improving and maintaining real-time linkages between health and social services and supports for vulnerable elders or in conjunction with authorized representatives of vulnerable elders, including through the following:

''(A) MEDICAL-LEGAL PARTNERSHIPS.—The establishment and support of medical-legal partnerships, the incorporation of the partnerships in the elder justice framework and health and human services safety net, and the implementation and operation of such a partnership by an eligible grantee—

''(i) at the option of a State, in conjunction with an area agency on aging;

''(ii) in a solo provider practice in a health professional shortage area (as defined in section 332(a) of the Public Health Service Act), a medically underserved community (as defined in section 399V of such Act), or a rural area (as defined in section 330J of such Act);

''(iii) in a minority-serving institution of higher learning with health, law, and social services professional programs;

''(iv) in a federally qualified health center, as described in section 330 of the Public Health Service Act, or look-alike, as described in section 1905(l)(2)(B) of this Act; or

''(v) in certain hospitals that are critical access hospitals, Medicare-dependent hospitals, sole community hospitals, rural emergency hospitals, or that serve a high proportion of Medicare or Medicaid patients.

''(B) LEGAL HOTLINES DEVELOPMENT OR EXPANSION.—The provision of incentives to develop, enhance, and integrate platforms, such as legal assistance hotlines, that help to facilitate the identification of older adults who could benefit from linkages to available legal services such as those described in subparagraph (A).

''(3) STATE REPORTS.—Each State to which a grant is made under this subsection shall submit to the Secretary biannual reports on the activities carried out by the State pursuant to this subsection, which shall include assessments of the effectiveness of the activities with respect to—

''(A) the number of unique individuals identified through the mechanism outlined in paragraph (2)(B) who are referred to services described in paragraph (2)(A), and the average time period associated with resolving issues;

''(B) the success rate for referrals to community-based resources; and

''(C) other factors determined relevant by the Secretary.

''(4) EVALUATION.—The Secretary shall, by grant, contract, or interagency agreement, evaluate the activities conducted pursuant to this subsection, which shall include a comparison among the States.

''(5) SUPPLEMENT NOT SUPPLANT.—Support provided to area agencies on aging, State units on aging, eligible entities, or other community-based organizations pursuant to this subsection shall be used to supplement and not supplant any other Federal, State, or local funds expended to provide the same or comparable services described in this subsection.

''(b) GRANTS AND TRAINING TO SUPPORT AREA AGENCIES ON AGING OR OTHER COMMUNITY-BASED ORGANIZATIONS TO ADDRESS SOCIAL ISOLATION AMONG VULNERABLE OLDER ADULTS AND PEOPLE WITH DISABILITIES.—

''(1) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, in addition to amounts otherwise available, there are appropriated to the Secretary $265,112,500 for fiscal year 2023, to remain available for the purposes of this subsection through fiscal year 2028.

''(2) GRANTS.—The Secretary shall make grants to eligible area agencies on aging or other community-based organizations for the purpose of—

''(A) conducting outreach to individuals at risk for, or already experiencing, social isolation or loneliness, through established screening tools or other methods identified by the Secretary;

''(B) developing community-based interventions for the purposes of mitigating loneliness or social isolation (including evidence-based programs, as defined by the Secretary, developed with multi-stakeholder input for the purposes of promoting social connection, mitigating social isolation or loneliness, or preventing social isolation or loneliness) among at-risk individuals;

''(C) connecting at-risk individuals with community social and clinical supports; and

''(D) evaluating the effect of programs developed and implemented under subparagraphs (B) and (C).

''(3) TRAINING.—The Secretary shall establish programs to provide and improve training for area agencies on aging or community-based organizations with respect to addressing and preventing social isolation and loneliness among older adults and people with disabilities.

''(4) EVALUATION.—Not later than 3 years after the date of the enactment of this section and at least once after fiscal year 2025, the Secretary shall submit to the Congress a written report which assesses the extent to which the programs established under this subsection address social isolation and loneliness among older adults and people with disabilities.

''(5) COORDINATION.—The Secretary shall coordinate with resource centers, grant programs, or other funding mechanisms established under section 411(a)(18) of the Older Americans Act (42 U.S.C. 3032(a)(18)), section 417(a)(1) of such Act (42 U.S.C. 3032F(a)(1)), or other programs as determined by the Secretary.

''(c) DEFINITIONS.—In this section:

''(1) AREA AGENCY ON AGING.—The term 'area agency on aging' means an area agency on aging designated under section 305 of the Older Americans Act of 1965.

''(2) SOCIAL ISOLATION.—The term 'social isolation' means objectively being alone, or having few relationships or infrequent social contact.

''(3) LONELINESS.—The term 'loneliness' means subjectively feeling alone, or the discrepancy between one's desired level of social connection and one's actual level of social connection.

''(4) SOCIAL CONNECTION.—The term 'social connection' means the variety of ways one can connect to others socially, through physical, behavioral, social–cognitive, and emotional channels.

''(5) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' includes, except as otherwise provided by the Secretary, a nonprofit community-based organization, a consortium of nonprofit community-based organizations, a national nonprofit organization acting as an intermediary for a community-based organization, or a community-based organization that has a fiscal sponsor that allows the organization to function as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code.''.

(e) TECHNICAL AMENDMENT.—Section 2011(12)(A) of the Social Security Act (42 U.S.C. 1397j(12)(A)) is amended by striking ''450b'' and inserting ''5304''.

SEC. 134202. APPROPRIATION FOR ASSESSMENTS.

Out of any money in the Treasury not otherwise appropriated, in addition to amounts otherwise available, there are appropriated to the Secretary of Health and Human Services $5,302,250 for each of fiscal years 2023 through 2026 to prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, not later than 3 years after the date of enactment of this Act, and at least once after fiscal year 2025, reports on the programs, coordinating bodies, registries, and activities established or authorized under subtitle B of title XX of the Social Security Act or section 6703(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 1395i–3a), which shall assess the extent to which such programs, coordinating bodies, registries, and activities have improved access to, and the quality of, resources available to aging Americans and their caregivers to ultimately prevent, detect, and treat abuse, neglect, and exploitation, and shall include, as appropriate, recommendations to Congress on funding levels and policy changes to help these programs, coordinating bodies, registries, and activities better prevent, detect, and treat abuse, neglect, and exploitation of aging Americans.

Subtitle E—Infrastructure Financing and Community Development

SEC. 135001. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

PART 1—LOW INCOME HOUSING CREDIT

SEC. 135101. INCREASES IN STATE ALLOCATIONS.

(a) IN GENERAL.—Section 42(h)(3)(I) is amended to read as follows:

''(I) INCREASE IN STATE HOUSING CREDIT CEILING AFTER 2021.—

''(i) IN GENERAL.—In the case of calendar years 2022 through 2025, the dollar amounts under subclauses (I) and (II) of subparagraph (C)(ii) for any such calendar year shall be determined in accordance with the following table:

''In the case of calendar year:	*The subclause (I) amount shall be:*	*The subclause (II) amount shall be:*
2022	*$3.14*	*$3,629,096*

''In the case of calendar year:	The subclause (I) amount shall be:	The subclause (II) amount shall be:
2023	$3.54	$4,081,825
2024	$3.97	$4,582,053
2025	$2.65	$3,120,000

''(ii) INFLATION ADJUSTMENT AFTER 2025.—In the case of calendar years after 2025, the subclause (I) and (II) dollar amounts shall be the respective dollar amounts corresponding to calendar year 2025 in the table under clause (i) each increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2024' for 'calendar year 2016' in paragraph (A)(ii) thereof.

Any increase under this clause shall be rounded to the nearest cent in the case of the subclause (I) amount and the nearest dollar in the case of the subclause (II) amount.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after December 31, 2021.

SEC. 135102. TAX-EXEMPT BOND FINANCING REQUIREMENT.

(a) IN GENERAL.—Section 42(h)(4)(B) is amended to read as follows:

''(B) SPECIAL RULE WHERE A REQUIRED PERCENT OF BUILDINGS IS FINANCED WITH TAX-EXEMPT BONDS SUBJECT TO VOLUME CAP.—For purposes of subparagraph (A), paragraph (1) shall not apply to any portion of the credit allowable under subsection (a) with respect to a building if—

''(i) 50 percent or more of the aggregate basis of any such building and the land on which the building is located is financed by any obligation described in subparagraph (A), or

''(ii) 25 percent or more of the aggregate basis of such building and the land on which the building is located is financed by any obligation described in subparagraph (A) and issued in calendar year 2022, 2023, 2024, 2025, or 2026.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any building some portion of which, or of the land on which the building is located, is financed by an obligation which is described in section 42(h)(4)(A) and which is part of an issue the issue date of which is after December 31, 2021.

SEC. 135103. BUILDINGS DESIGNATED TO SERVE EXTREMELY LOW-INCOME HOUSEHOLDS.

(a) RESERVED STATE ALLOCATION.—

(1) IN GENERAL.—Section 42(h) is amended—

(A) by redesignating paragraphs (6), (7), and (8) as paragraphs (7), (8), and (9), respectively, and

(B) by inserting after paragraph (5) the following new paragraph:

''(6) PORTION OF STATE CEILING SET-ASIDE FOR PROJECTS DESIGNATED TO SERVE EXTREMELY LOW-INCOME HOUSEHOLDS.—

''(A) IN GENERAL.—Not more than 92 percent of the portion of the State housing credit ceiling amount described in paragraph (3)(C)(ii) for any State for any calendar year shall be allocated to buildings other than buildings described in subparagraph (B).

''(B) BUILDINGS DESCRIBED.—A building is described in this subparagraph if 20 percent or more of the residential units in such building are rent-restricted (determined as if the imputed income limitation applicable to such units were 30 percent of area median gross income) and are designated by the taxpayer for occupancy by households the aggregate household income of which does not exceed the greater of—

''(i) 30 percent of area median gross income, or

''(ii) 100 percent of an amount equal to the Federal poverty line (within the meaning of section 36B(d)(3)).

''(C) EXCEPTION.—A building shall not be treated as described in subparagraph (B) if such building is a part of a qualified low-income housing project elected by the taxpayer to meet the requirements of subsection (f)(1)(C).

''(D) STATE MAY NOT OVERRIDE SET-ASIDE.—Nothing in subparagraph (F) of paragraph (3) shall be construed to permit a State not to comply with subparagraph (A) of this paragraph.''.

(2) CONFORMING AMENDMENT.—Section 42(b)(4)(C) is amended by striking ''(h)(7)'' and inserting ''(h)(8)''.

(b) INCREASE IN CREDIT.—Paragraph (5) of section 42(d) is amended by adding at the end the following new subparagraph:

''(C) INCREASE IN CREDIT FOR PROJECTS DESIGNATED TO SERVE EXTREMELY LOW-INCOME HOUSEHOLDS.—

''(i) IN GENERAL.—In the case of any building—

''(I) which is described in subsection (h)(6)(B), and

''(II) which is designated by the housing credit agency as requiring the increase in credit under this subparagraph in order for such building to be financially feasible as part of a qualified low-income housing project,

subparagraph (B) shall not apply to the portion of such building which is comprised of such units, and the eligible basis of such portion of the building shall be 150 percent of such basis determined without regard to this subparagraph.

''(ii) ALLOCATION RULES APPLICABLE TO PROJECTS TO WHICH CLAUSE (i) APPLIES.—

''(I) STATE HOUSING CREDIT CEILING.—For any calendar year, the housing credit agency shall not allocate more than 13 percent of the portion of the State housing credit ceiling amount described in subsection (h)(3)(C)(ii) to buildings to which clause (i) applies, and

''(II) PRIVATE ACTIVITY BOND VOLUME CAP.—In the case of projects financed by tax-exempt bonds as described in subsection (h)(4), for any calendar year, the State shall not issue more than 8 percent of the private activity bond volume cap as described in section 146(d)(1) to buildings to which clause (i) applies.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to allocations of housing credit dollar amount after December 31, 2021, and to buildings that are described in section 42(h)(4)(B) taking into account only obligations that are part of an issue the issue date of which is after December 31, 2021.

SEC. 135104. REPEAL OF QUALIFIED CONTRACT OPTION.

(a) TERMINATION OF OPTION FOR CERTAIN BUILDINGS.—

(1) IN GENERAL.—Subclause (II) of section 42(h)(7)(E)(i), as redesignated by section 135403, is amended by inserting ''in the case of a building described in clause (iii),'' before ''on the last day''.

(2) BUILDINGS DESCRIBED.—Subparagraph (E) of section 42(h)(7), as so redesignated, is amended by adding at the end the following new clause:

''(iii) BUILDINGS DESCRIBED.—A building described in this clause is a building—

''(I) which received its allocation of housing credit dollar amount before January 1, 2022, or

''(II) in the case of a building any portion of which is financed as described in paragraph (4), and which received before January 1, 2022, under the rules of paragraphs (1) and (2) of subsection (m), a determination from the issuer of the tax-exempt bonds or the housing credit agency that the building would be eligible under the qualified allocation plan to receive an allocation of housing credit dollar amount or that the credits to be earned are necessary for financial feasibility of the project and its viability as a qualified low-income housing project throughout the credit period.''.

(b) RULES RELATING TO EXISTING PROJECTS.—Subparagraph (F) of section 42(h)(7), as redesignated by section 135403, is amended by striking ''the nonlow-income portion'' and all that follows and inserting ''the nonlow-income portion and the low-income portion of the building for fair market value (determined by the housing credit agency by taking into account the rent restrictions required for the low-income portion of the building to continue to meet the standards of paragraphs (1) and (2) of subsection (g)). The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this paragraph.''.

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (7) of section 42(h), as redesignated by section 135403, is amended by striking subparagraph (G) and by redesignating subparagraphs (H), (I), (J), and (K) as subparagraphs (G), (H), (I), and (J), respectively.

(2) Subclause (II) of section 42(h)(7)(E)(i), as so redesignated and as amended by subsection (a), is further amended by striking ''subparagraph (I)'' and inserting ''subparagraph (H)''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to buildings with respect to which a written request described in section 42(h)(7)(H) of the Internal Revenue Code of 1986, as redesignated by section 135403 and subsection (c), is submitted after the date of the enactment of this Act.

SEC. 135105. MODIFICATION AND CLARIFICATION OF RIGHTS RELATING TO BUILDING PURCHASE.

(a) MODIFICATION OF RIGHT OF FIRST REFUSAL.—

(1) IN GENERAL.—Subparagraph (A) of section 42(i)(7) is amended by striking ''a right of 1st refusal'' and inserting ''an option''.

(2) CONFORMING AMENDMENT.—The heading of paragraph (7) of section 42(i) is amended by striking ''RIGHT OF 1ST REFUSAL'' and inserting ''OPTION''.

(b) CLARIFICATION WITH RESPECT TO RIGHT OF FIRST REFUSAL AND PURCHASE OPTIONS.—

(1) PURCHASE OF PARTNERSHIP INTEREST.—

(A) IN GENERAL.—Subparagraph (A) of section 42(i)(7), as amended by subsection (a), is amended by striking ''the property'' and inserting ''the property or all of the partnership interests (other than interests of the person exercising such option or a related party thereto (within the meaning of section 267(b) or 707(b)(1))) relating to the property''.

(B) APPLICATION TO S CORPORATIONS AND OTHER PASS-THROUGH ENTITIES.—Subparagraph (A) of section 42(i)(7) is amended by adding at the end the following: ''Except as provided by the Secretary, the rules of this paragraph shall apply to S corporations and other pass-through entities in the same manner as such rules apply to partnerships.''

(C) CONFORMING AMENDMENT.—Subparagraph (B) of section 42(i)(7) is amended by adding at the end the following: ''In the case of a purchase of all of the partnership interests, the minimum purchase price under this subparagraph shall be an amount not less than the sum of the interests' shares of the amount which would be determined with respect to the property under this subparagraph without regard to this sentence.''.

(2) PROPERTY INCLUDES ASSETS RELATING TO THE BUILDING.—Paragraph (7) of section 42(i) is amended by adding at the end the following new subparagraph:

''(C) PROPERTY.—For purposes of subparagraph (A), the term 'property' may include all or any of the assets held for the development, operation, or maintenance of a building.''.

(3) EXERCISE OF RIGHT OF FIRST REFUSAL AND PURCHASE OPTIONS.—Subparagraph (A) of section 42(i)(7), as amended by subsection (a) and paragraph (1)(A), is amended by adding at the end the following: ''For purposes of determining

whether an option, including a right of first refusal, to purchase property or all of the partnership interests holding (directly or indirectly) such property is described in the preceding sentence—

''(i) such option or right of first refusal shall be exercisable with or without the approval of any owner of the project (including any partner, member, or affiliated organization of such an owner), and

''(ii) a right of first refusal shall be exercisable in response to any offer to purchase the property or all of the partnership interests, including an offer by a related party.''.

(c) OTHER CONFORMING AMENDMENT.—Subparagraph (B) of section 42(i)(7), as amended by subsection (b), is amended by striking ''the sum of'' and all that follows through ''application of clause (ii).'' and inserting the following: ''the principal amount of outstanding indebtedness secured by the building (other than indebtedness incurred within the 5-year period ending on the date of the sale to the tenants).''.

(d) EFFECTIVE DATES.—

(1) MODIFICATION OF RIGHT OF FIRST REFUSAL.—The amendments made by subsections (a) and (c) shall apply to agreements entered into or amended after the date of the enactment of this Act.

(2) CLARIFICATION.—The amendments made by subsection (b) shall apply to agreements among the owners of the project (including partners, members, and their affiliated organizations) and persons described in section 42(i)(7)(A) of the Internal Revenue Code of 1986 entered into before, on, or after the date of the enactment of this Act.

(3) NO EFFECT ON AGREEMENTS.—None of the amendments made by this section is intended to supersede express language in any agreement with respect to the terms of a right of first refusal or option permitted by section 42(i)(7) of the Internal Revenue Code of 1986 in effect on the date of the enactment of this Act.

PART 2—NEIGHBORHOOD HOMES INVESTMENT ACT

SEC. 135201. NEIGHBORHOOD HOMES CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by inserting after section 42 the following new section:

''SEC. 42A. NEIGHBORHOOD HOMES CREDIT.

''(a) ALLOWANCE OF CREDIT.—For purposes of section 38, the neighborhood homes credit determined under this section for the taxable year is, with respect to each qualified residence sold by the taxpayer during such taxable year in an affordable sale, the lesser of—

''(1) the excess (if any) of—

''(A) the reasonable development costs paid or incurred by the taxpayer with respect to such qualified residence, over

''(B) the sale price of such qualified residence (reduced by any reasonable expenses paid or incurred by the taxpayer in connection with such sale), or

''(2) 35 percent of the lesser of—

''(A) the eligible development costs paid or incurred by the taxpayer with respect to such qualified residence, or

''(B) 80 percent of the national median sale price for new homes (as determined pursuant to the most recent census data available as of the date on which the neighborhood homes credit agency makes an allocation for the qualified project).

''(b) DEVELOPMENT COSTS.—For purposes of this section—

''(1) REASONABLE DEVELOPMENT COSTS.—

''(A) IN GENERAL.—The term 'reasonable development costs' means amounts paid or incurred for the acquisition of buildings and land, construction, substantial rehabilitation, demolition of structures, or environmental remediation, to the extent that the neighborhood homes credit agency determines that such amounts meet the standards specified pursuant to subsection (f)(1)(C) (as of the date on which construction or substantial rehabilitation is substantially complete, as determined by such agency) and are necessary to ensure the financial feasibility of such qualified residence.

''(B) CONSIDERATIONS IN MAKING DETERMINATION.—In making the determination under subparagraph (A), the neighborhood homes credit agency shall consider—

''(i) the sources and uses of funds and the total financing,

''(ii) any proceeds or receipts generated or expected to be generated by reason of tax benefits, and

''(iii) the reasonableness of the developmental costs and fees.

''(2) ELIGIBLE DEVELOPMENT COSTS.—The term 'eligible development costs' means the amount which would be reasonable development costs if the amounts taken into account as paid or incurred for the acquisition of buildings and land did not exceed 75 percent of such costs determined without regard to any amount paid or incurred for the acquisition of buildings and land.

''(3) SUBSTANTIAL REHABILITATION.—The term 'substantial rehabilitation' means amounts paid or incurred for rehabilitation of a qualified residence if such amounts exceed the greater of—

''(A) $20,000, or

''(B) 20 percent of the amounts paid or incurred by the taxpayer for the acquisition of buildings and land with respect to such qualified residence.

''(4) CONSTRUCTION AND REHABILITATION ONLY AFTER ALLOCATION TAKEN INTO ACCOUNT.—

''(A) IN GENERAL.—The terms 'reasonable development costs' and 'eligible development costs' shall not include any amount paid or incurred before the date on which an allocation is made to the taxpayer under subsection (e) with respect to the qualified project of which the qualified residence is part unless such amount is paid or incurred for the acquisition of buildings or land.

''(B) LAND AND BUILDING ACQUISITION COSTS.—Amounts paid or incurred for the acquisition of buildings or land shall be included under paragraph (A) only if paid or incurred not more than 3 years before the date on which the allocation referred to in subparagraph (A) is made. If the taxpayer acquired any building or land from an entity (or any related party to such entity) that holds an ownership interest in the taxpayer, then such entity must also have acquired such property within such 3-year period, and the acquisition cost included under subparagraph (A) with respect to the taxpayer shall not exceed the amount such entity paid or incurred to acquire such property.

''(c) QUALIFIED RESIDENCE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified residence' means a residence that—

''(A) is real property affixed on a permanent foundation,

''(B) is—

''(i) a house which is comprised of 4 or fewer residential units,

''(ii) a condominium unit, or

''(iii) a house or an apartment owned by a cooperative housing corporation (as defined in section 216(b)),

''(C) is part of a qualified project with respect to the neighborhood homes credit agency has made an allocation under subsection (e), and

''(D) is located in a qualified census tract (determined as of the date of such allocation).

''(2) QUALIFIED CENSUS TRACT.—

''(A) IN GENERAL.—The term 'qualified census tract' means a census tract—

''(i) which—

''(I) has a median family income which does not exceed 80 percent of the median family income for the applicable area,

''(II) has a poverty rate that is not less than 130 percent of the poverty rate of the applicable area, and

''(III) has a median value for owner-occupied homes that does not exceed the median value for owner-occupied homes in the applicable area,

''(ii) which—

''(I) is located in a city which has a population of not less than 50,000 and such city has a poverty rate that is not less than 150 percent of the poverty rate of the applicable area,

''(II) has a median family income which does not exceed the median family income for the applicable area, and

''(III) has a median value for owner-occupied homes that does not exceed 80 percent of the median value for owner-occupied homes in the applicable area,

''(iii) which—

''(I) is located in a nonmetropolitan county,

''(II) has a median family income which does not exceed the median family income for the applicable area, and

''(III) has been designated by a neighborhood homes credit agency under this clause, or

''(iv) which is not otherwise a qualified census tract and is located in a disaster area (as defined in section 7508A(d)(3)), but only with respect to credits allocated in any period during which the President of the United States has determined that such area warrants individual or individual and public assistance by the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

''(B) APPLICABLE AREA.—The term 'applicable area' means—

''(i) in the case of a metropolitan census tract, the metropolitan area in which such census tract is located, and

''(ii) in the case of a census tract other than a census tract described in clause (i), the State.

''(d) AFFORDABLE SALE.—For purposes of this section—

''(1) IN GENERAL.—The term 'affordable sale' means a sale to a qualified homeowner of a qualified residence that the neighborhood homes credit agency certifies as meeting the standards promulgated under subsection (f)(1)(D) for a price that does not exceed—

''(A) in the case of any qualified residence not described in subparagraph (B), (C), or (D), the amount equal to the product of 4 multiplied by the median family income for the applicable area (as determined pursuant to the most recent census data available as of the date of the contract for such sale),

''(B) in the case of a house comprised of 2 residential units, 125 percent of the amount described in subparagraph (A),

''(C) in the case of a house comprised of 3 residential units, 150 percent of the amount described in subparagraph (A), or

''(D) in the case of a house comprised of 4 residential units, 175 percent of the amount described in subparagraph (A).

''(2) QUALIFIED HOMEOWNER.—The term 'qualified homeowner' means, with respect to a qualified residence, an individual—

''(A) who owns and uses such qualified residence as the principal residence of such individual, and

''(B) whose family income (determined as of the date that a binding contract for the affordable sale of such residence is entered into) is 140 percent or less of the median family income for the applicable area in which the qualified residence is located.

''(e) CREDIT CEILING AND ALLOCATIONS.—

''(1) CREDIT LIMITED BASED ON ALLOCATIONS TO QUALIFIED PROJECTS.—

''(A) IN GENERAL.—The credit allowed under subsection (a) to any taxpayer for any taxable year with respect to one or more qualified residences which are part of the same qualified project shall not exceed the excess (if any) of—

''(i) the amount allocated by the neighborhood homes credit agency under this paragraph to such taxpayer with respect to such qualified project, over

''(ii) the aggregate amount of credit allowed under subsection (a) to such taxpayer with respect to qualified residences which are a part of such qualified project for all prior taxable years.

''(B) DEADLINE FOR COMPLETION.—No credit shall be allowed under subsection (a) with respect to any qualified residence unless the affordable sale of such residence is during the 5-year period beginning on the date of the allocation to the qualified project of which such residence is a part (or, in the case of a qualified residence to which subsection (i) applies, the rehabilitation of such residence is completed during such 5-year period).

''(2) LIMITATIONS ON ALLOCATIONS TO QUALIFIED PROJECTS.—

''(A) ALLOCATIONS LIMITED BY STATE NEIGHBORHOOD HOMES CREDIT CEILING.—The aggregate amount allocated to taxpayers with respect to qualified projects by the neighborhood homes credit agency of any State for any calendar year shall not exceed the State neighborhood homes credit amount of such State for such calendar year.

''(B) SET-ASIDE FOR CERTAIN PROJECTS INVOLVING QUALIFIED NONPROFIT ORGANIZATIONS.—Rules similar to the rules of section 42(h)(5) shall apply for purposes of this section.

''(3) DETERMINATION OF STATE NEIGHBORHOOD HOMES CREDIT CEILING.—

''(A) IN GENERAL.—The State neighborhood homes credit amount for a State for a calendar year is an amount equal to the sum of—

''(i) the greater of—

''(I) the product of $3 ($6 in the case of calendar year 2025), multiplied by the State population (determined in accordance with section 146(j)), or

''(II) $4,000,000 ($8,000,000 in the case of calendar year 2025), and

''(ii) any amount previously allocated to any taxpayer with respect to any qualified project by the neighborhood homes credit agency of such State which can no longer be allocated to any qualified residence because the 5-year period described in paragraph (1)(B) expires during calendar year.

''(B) TERMINATION OF ADDITIONAL AMOUNTS.—The amount determined under subparagraph (A)(i) shall be zero with respect to any calendar year beginning after December 31, 2025.

''(C) 3-YEAR CARRYFORWARD OF UNUSED LIMITATION.—The State neighborhood homes credit amount for a State for a calendar year shall be increased by the excess (if any) of the State neighborhood homes credit amount for such State for the preceding calendar year over the aggregate amount allocated by the neighborhood homes credit agency of such State during such preceding calendar year. Any amount carried forward under the preceding sentence shall not be carried past the third calendar year after the calendar year in which such credit amount originally arose, determined on a first-in, first-out basis.

''(f) RESPONSIBILITIES OF NEIGHBORHOOD HOMES CREDIT AGENCIES.—

''(1) IN GENERAL.—Notwithstanding subsection (e), the State neighborhood homes credit dollar amount shall be zero for a calendar year unless the neighborhood homes credit agency of the State—

''(A) allocates such amount pursuant to a qualified allocation plan of the neighborhood homes credit agency,

''(B) allocates not more than 20 percent of amounts allocated in the previous year (or for allocations made in 2022, not more than 20 percent of the neighborhood homes credit ceiling for such year) to projects with respect to qualified residences which—

''(i) are located in census tracts described in subsection (c)(2)(A)(iii), (c)(2)(A)(iv), (i)(5), or

''(ii) are not located in a qualified census tract but meet the requirements of (i)(8),

''(C) promulgates standards with respect to reasonable qualified development costs and fees,

''(D) promulgates standards with respect to construction quality,

''(E) in the case of any neighborhood homes credit agency which makes an allocation to a qualified project which includes any qualified residence to which subsection (i) applies, promulgates standards with respect to protecting the owners of such residences, including the capacity of such owners to pay rehabilitation costs not covered by the credit provided by this section and providing for the disclosure to such owners of their rights and responsibilities with respect to the rehabilitation of such residences, and

''(F) submits to the Secretary (at such time and in such manner as the Secretary may prescribe) an annual report specifying—

''(i) the amount of the neighborhood homes credits allocated to each qualified project for the previous year,

''(ii) with respect to each qualified residence completed in the preceding calendar year—

''(I) the census tract in which such qualified residence is located,

''(II) with respect to the qualified project that includes such qualified residence, the year in which such project received an allocation under this section,

''(III) whether such qualified residence was new, substantially rehabilitated and sold to a qualified homeowner, or substantially rehabilitated pursuant to subsection (i),

''(IV) the eligible development costs of such qualified residence,

''(V) the amount of the neighborhood homes credit with respect to such qualified residence,

''(VI) the sales price of such qualified residence, if applicable, and

''(VII) the family income of the qualified homeowner (expressed as a percentage of the applicable area median family income for the location of the qualified residence), and

''(iii) such other information as the Secretary may require.

''(2) QUALIFIED ALLOCATION PLAN.—For purposes of this subsection, the term 'qualified allocation plan' means any plan which—

''(A) sets forth the selection criteria to be used to prioritize qualified projects for allocations of State neighborhood homes credit dollar amounts, including—

''(i) the need for new or substantially rehabilitated owner-occupied homes in the area addressed by the project,

''(ii) the expected contribution of the project to neighborhood stability and revitalization, including the impact on neighborhood residents,

''(iii) the capability and prior performance of the project sponsor, and

''(iv) the likelihood the project will result in long-term homeownership,

''(B) has been made available for public comment, and

''(C) provides a procedure that the neighborhood homes credit agency (or any agent or contractor of such agency) shall follow for purposes of—

''(i) identifying noncompliance with any provisions of this section, and

''(ii) notifying the Internal Revenue Service of any such noncompliance of which the agency becomes aware.

''(g) REPAYMENT.—

''(1) IN GENERAL.—

''(A) SOLD DURING 5-YEAR PERIOD.—If a qualified residence is sold during the 5-year period beginning immediately after the affordable sale of such qualified residence referred to in subsection (a), the seller (with respect to the sale during such 5-year period) shall transfer an amount equal to the repayment amount to the relevant neighborhood homes credit agency.

''(B) USE OF REPAYMENTS.—A neighborhood homes credit agency shall use any amount received pursuant to subparagraph (A) only for purposes of qualified projects.

''(2) REPAYMENT AMOUNT.—For purposes of paragraph (1)(A), the repayment amount is an amount equal to 50 percent of the gain from the sale to which the repayment relates, reduced by 20 percent for each year of the 5-year period referred to in paragraph (1)(A) which ends before the date of such sale.

''(3) LIEN FOR REPAYMENT AMOUNT.—A neighborhood homes credit agency receiving an allocation under this section shall place a lien on each qualified residence that is built or rehabilitated as part of a qualified project for an amount such agency deems necessary to ensure potential repayment pursuant to paragraph (1)(A).

''(4) DENIAL OF DEDUCTIONS IF CONVERTED TO RENTAL HOUSING.—If, during the 5-year period described in paragraph (1), an individual who owns a qualified residence fails to use such qualified residence as such individual's principal residence for any period of time, no deduction shall be allowed for expenses paid or incurred by such individual with respect to renting, during such period of time, such qualified residence.

''(5) WAIVER.—The neighborhood homes credit agency may waive the repayment required under paragraph (1)(A) in the case of homeowner experiencing a hardship.

''(h) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) NEIGHBORHOOD HOMES CREDIT AGENCY.—The term 'neighborhood homes credit agency' means the agency designated by the governor of a State as the neighborhood homes credit agency of the State.

''(2) QUALIFIED PROJECT.—The term 'qualified project' means a project that a neighborhood homes credit agency certifies will build or substantially rehabilitate one or more qualified residences.

''(3) DETERMINATIONS OF FAMILY INCOME.—Rules similar to the rules of section 143(f)(2) shall apply for purposes of this section.

''(4) POSSESSIONS TREATED AS STATES.—The term 'State' includes the District of Columbia and the possessions of the United States.

''(5) SPECIAL RULES RELATED TO CONDOMINIUMS AND COOPERATIVE HOUSING CORPORATIONS.—

''(A) DETERMINATION OF DEVELOPMENT COSTS.—In the case of a qualified residence described in clause (ii) or (iii) of subsection (c)(1)(A), the reasonable development costs and eligible development costs of such qualified residence shall be an amount equal to such costs, respectively, of the entire condominium or cooperative housing property in which such qualified residence is located, multiplied by a fraction—

''(i) the numerator of which is the total floor space of such qualified residence, and

''(ii) the denominator of which is the total floor space of all residences within such property.

''(B) TENANT-STOCKHOLDERS OF COOPERATIVE HOUSING CORPORATIONS TREATED AS OWNERS.—In the case of a cooperative housing corporation (as such term is defined in section 216(b)), a tenant-stockholder shall be treated as owning the house or apartment which such person is entitled to occupy.

''(6) RELATED PARTY SALES NOT TREATED AS AFFORDABLE SALES.—

''(A) IN GENERAL.—A sale between related persons shall not be treated as an affordable sale.

''(B) RELATED PERSONS.—For purposes of this paragraph, a person (in this subparagraph referred to as the 'related person') is related to any person if the related person bears a relationship to such person specified in section 267(b) or 707(b)(1), or the related person and such person are engaged in trades or businesses under common control (within the meaning of subsections (a) and (b) of section 52). For purposes of the preceding sentence, in applying section 267(b) or 707(b)(1), '10 percent' shall be substituted for '50 percent'.

''(7) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of a calendar year after 2022, the dollar amounts in subsections (b)(3)(A), (e)(3)(A)(i)(I), (e)(3)(A)(i)(II), and (i)(2)(C) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2021' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

''(B) ROUNDING.—

''(i) In the case of the dollar amounts in subsection (b)(3)(A) and (i)(2)(C), any increase under paragraph (1) which is not a multiple of $1,000 shall be rounded to the nearest multiple of $1,000.

''(ii) In the case of the dollar amount in subsection (e)(3)(A)(i)(I), any increase under paragraph (1) which is not a multiple of $0.01 shall be rounded to the nearest multiple of $0.01.

''(iii) In the case of the dollar amount in subsection (e)(3)(A)(i)(II), any increase under paragraph (1) which is not a multiple of $100,000 shall be rounded to the nearest multiple of $100,000.

''(8) REPORT.—

''(A) IN GENERAL.—The Secretary shall annually issue a report, to be made available to the public, which contains the information submitted pursuant to subsection (f)(1)(F).

''(B) DE-IDENTIFICATION.—The Secretary shall ensure that any information made public pursuant to paragraph (1) excludes any information that would allow for the identification of qualified homeowners.

''(9) LIST OF QUALIFIED CENSUS TRACTS.—The Secretary of Housing and Urban Development shall, for each year, make publicly available a list of qualified census tracts under—

''(A) on a combined basis, clauses (i) and (ii) of subsection (c)(2)(A),

''(B) clause (iii) of such subsection, and

''(C) subsection (i)(5)(A).

''(i) APPLICATION OF CREDIT WITH RESPECT TO OWNER-OCCUPIED REHABILITATIONS.—

''(1) IN GENERAL.—In the case of a qualified rehabilitation by the taxpayer of any qualified residence which is owned (as of the date that the written binding contract referred to in paragraph (3) is entered into) by a specified homeowner, the rules of paragraphs (2) through (7) shall apply.

''(2) ALTERNATIVE CREDIT DETERMINATION.—In the case of any qualified residence described in paragraph (1), the neighborhood homes credit determined under subsection (a) with respect to such residence shall (in lieu of any credit otherwise determined under subsection (a) with respect to such residence) be allowed in the taxable year during which the qualified rehabilitation is completed (as determined by the neighborhood homes credit agency) and shall be equal to the least of—

''(A) the excess (if any) of—

''(i) the amounts paid or incurred by the taxpayer for the qualified rehabilitation of the qualified residence to the extent that such amounts are certified by the neighborhood homes credit agency (at the time of the completion of such rehabilitation) as meeting the standards specified pursuant to subsection (f)(1)(C), over

''(ii) any amounts paid to such taxpayer for such rehabilitation,

''(B) 50 percent of the amounts described in subparagraph (A)(i), or

''(C) $50,000.

''(3) QUALIFIED REHABILITATION.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'qualified rehabilitation' means a rehabilitation or reconstruction performed pursuant to a written binding contract between the taxpayer and the qualified homeowner if the amount paid or incurred by the taxpayer in the performance of such rehabilitation or reconstruction exceeds the dollar amount in effect under subsection (b)(3)(A).

''(B) APPLICATION OF LIMITATION TO EXPENSES PAID OR INCURRED AFTER ALLOCATION.—A rule similar to the rule of section (b)(4) shall apply for purposes of this subsection.

''(4) SPECIFIED HOMEOWNER.—For purposes of this subsection, the term 'qualified homeowner' means, with respect to a qualified residence, an individual—

''(A) who owns and uses such qualified residence as the principal residence of such individual as of the date that the written binding contract referred to in paragraph (3) is entered into, and

''(B) whose family income (determined as of such date) does not exceed the median family income for the applicable area (with respect to the census tract in which the qualified residence is located).

''(5) ADDITIONAL CENSUS TRACTS IN WHICH OWNER-OCCUPIED RESIDENCES MAY BE LOCATED.—In the case of any qualified residence described in paragraph (1), the term 'qualified census tract' includes any census tract which—

''(A) meets the requirements of subsection (c)(2)(A)(i) without regard to subclause (III) thereof, and

''(B) is designated by the neighborhood homes credit agency for purposes of this paragraph.

''(6) MODIFICATION OF REPAYMENT REQUIREMENT.—In the case of any qualified residence described in paragraph (1), subsection (g) shall be applied by beginning the 5-year period otherwise described therein on the date on which the qualified owner acquired the residence.

''(7) RELATED PARTIES.—Paragraph (1) shall not apply if the taxpayer is the owner of the qualified residence described in paragraph (1) or is related (within the meaning of subsection (h)(6)(B)) to such owner.

''(8) PYRRHOTITE REMEDIATION.—The requirement of subsection (c)(1)(C) shall not apply to a qualified rehabilitation under this subsection of a qualified residence that is documented by an engineer's report and core testing to have a foundation that is adversely impacted by pyrrhotite or other iron sulfide minerals.

''(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations that prevent avoidance of the rules, and abuse of the purposes, of this section.''.

(b) CREDIT ALLOWED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b), as amended by the preceding provisions of this Act, is amended by striking ''plus'' at the end of paragraph (34), by striking the period at the end of paragraph (35) and inserting '', plus'', and by adding at the end the following new paragraph:

''(36) the neighborhood homes credit determined under section 42A(a),''.

(c) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—Section 38(c)(4)(B), as amended by the preceding provisions of this Act, is amended by redesignating clauses (iv) through (xiii) as clauses (v) through (xiv), respectively, and by inserting after clause (iii) the following new clause:

''(iv) the credit determined under section 42A,''.

(d) CONFORMING AMENDMENTS.—

(1) Subsections (i)(3)(C), (i)(6)(B)(i), and (k)(1) of section 469 are each amended by inserting ''or 42A'' after ''section 42''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 42 the following new item:

''Sec. 42A. Neighborhood homes credit.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

PART 3—INVESTMENTS IN TRIBAL INFRASTRUCTURE

SEC. 135301. TREATMENT OF INDIAN TRIBES AS STATES WITH RESPECT TO BOND ISSUANCE.

(a) IN GENERAL.—Section 7871(c) is amended to read as follows:

''(c) SPECIAL RULES FOR TAX-EXEMPT BONDS.—

''(1) IN GENERAL.—In applying section 146 to bonds issued by Indian Tribal Governments the Secretary shall annually—

''(A) establish a national bond volume cap based on the greater of—

''(i) the State population formula approach in section 146(d)(1)(A) (using national Tribal population estimates supplied annually by the Department of the Interior in consultation with the Census Bureau), and

''(ii) the minimum State ceiling amount in section 146(d)(1)(B) (as adjusted in accordance with the cost of living provision in section 146(d)(2)), and

''(B) allocate such national bond volume cap among all Indian Tribal Governments seeking such an allocation in a particular year under regulations prescribed by the Secretary.

''(2) APPLICATION OF GEOGRAPHIC RESTRICTION.—In the case of national bond volume cap allocated under paragraph (1), section 146(k)(1) shall not apply to the extent that such cap is used with respect to financing for a facility located on qualified Indian lands.

''(3) RESTRICTION ON FINANCING OF CERTAIN GAMING FACILITIES.—No portion of the volume cap allocated under this subsection may be used with respect to the financing of any portion of a building in which class II or class III gaming (as defined in section 4 of the Indian Gaming Regulatory Act) is conducted or housed or any property actually used in the conduct of such gaming.

''(4) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) INDIAN TRIBAL GOVERNMENT.—The term 'Indian Tribal Government' means the governing body of an Indian Tribe, band, nation, or other organized group or community, or of Alaska Natives, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, and also includes any agencies, instrumentalities or political subdivisions thereof.

''(B) INTERTRIBAL CONSORTIUMS, ETC.—In any case in which an Indian Tribal Government has authorized an intertribal consortium, a Tribal organization, or an Alaska Native regional or village corporation, as defined in, or established pursuant to, the Alaska Native Claims Settlement Act, to plan for, coordinate or otherwise administer services, finances, functions, or activities on its behalf under this subsection, the authorized entity shall have the rights and responsibilities of the authorizing Indian Tribal Government only to the extent provided in the Authorizing resolution.

''(C) QUALIFIED INDIAN LANDS.—The term 'qualified Indian lands' shall mean an Indian reservation as defined in section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)), including lands which are within the jurisdictional area of an Oklahoma Indian Tribe (as determined by the Secretary of the Interior) and shall include lands outside a reservation where the facility is to be placed in service in connection with—

''(i) the active conduct of a trade or business by an Indian Tribe on, contiguous to, within reasonable proximity of, or with a substantial connection to, an Indian reservation or Alaska Native village, or

''(ii) infrastructure (including roads, power lines, water systems, railroad spurs, and communication facilities) serving an Indian reservation or Alaska Native village.''.

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 45(c)(9) is amended to read as follows:

''(B) INDIAN TRIBE.—For purposes of this paragraph, the term 'Indian tribe' has the meaning given the term 'Indian Tribal Government' by section 7871(c)(3)(A).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued in calendar years beginning after the date of the enactment of this Act.

SEC. 135302. NEW MARKETS TAX CREDIT FOR TRIBAL STATISTICAL AREAS.

(a) ADDITIONAL ALLOCATIONS FOR TRIBAL STATISTICAL AREAS.—Section 45D(f) is amended by adding at the end the following new paragraph:

''(5) ADDITIONAL ALLOCATIONS FOR TRIBAL STATISTICAL AREAS.—

''(A) IN GENERAL.—In the case of calendar years 2022 through 2025, there is (in addition to any limitation under any other paragraph of this subsection) a new markets tax credit limitation of $175,000,000 which shall be allocated by the Secretary as provided in paragraph (2) except that such limitation may only be allocated with respect to Tribal Statistical Areas.

''(B) CARRYOVER OF UNUSED TRIBAL STATISTICAL AREA LIMITATION.—

''(i) IN GENERAL.—If the credit limitation under subparagraph (A) for any calendar year exceeds the amount of such limitation allocated by the Secretary for such calendar year, such limitation for the succeeding calendar year shall be increased by the amount of such excess.

''(ii) LIMITATION ON CARRYOVER.—No amount of credit limitation may be carried under clause (i) past the 5th calendar year following the calendar year in which such amount of credit limitation arose.

''(iii) TRANSFER OF EXPIRED TRIBAL STATISTICAL AREA LIMITATION TO GENERAL LIMITATION.—In the case of any amount of credit limitation which would (but for clause (ii)) be carried under clause (i) to the 6th calendar year following the calendar year in which such amount of credit limitation arose, the new market tax credit limitation under paragraph (1) for such 6th calendar year shall be increased by the amount of such credit limitation, except that no such increase shall be made for any calendar year after 2030.

''(C) TRIBAL STATISTICAL AREA.—For purposes of this paragraph, the term 'Tribal Statistical Area' means—

''(i) any low-income community which is located in any Tribal Census Tract, Oklahoma Tribal Statistical Area, Tribal-Designated Statistical Area, Alaska Native Village Statistical Area, or Hawaiian Home Land, and

''(ii) any low-income community described in subsection (e)(1)(B).''.

(b) ELIGIBILITY OF CERTAIN PROJECTS SERVING TRIBAL MEMBERS.—Section 45D(e)(1) is amended to read as follows:

''(1) IN GENERAL.—The term 'low-income community' means any area—

''(A) comprising a population census tract if—

''(i) the poverty rate for such tract is at least 20 percent, or

''(ii)(I) in the case of a tract not located within a metropolitan area, the median family income for such tract does not exceed 80 percent of statewide median family income, or

''(II) in the case of a tract located within a metropolitan area, the median family income for such tract does not exceed 80 percent of the greater of statewide median family income or the metropolitan area median family income,

''(B) which is used for a qualified active low-income community business which—

''(i) services a significant population of Tribal or Alaska Native Village members who are residents of a low-income community described in subsection (f)(5)(C)(i), and

''(ii) obtains a written statement from the relevant Indian Tribal Government (within the meaning of section 7871(c)) that documents the eligibility such project with respect to the requirement of clause (i).

Subparagraph (A)(ii) shall be applied using possession wide median family income in the case of census tracts located within a possession of the United States.''.

(c) COORDINATION WITH EXISTING CARRYOVER.—Section 45D(f)(3) is amended—

(1) is amended by inserting ''under paragraph (1)'' after ''new markets tax credit limitation'', and

(2) by striking ''the aggregate amount allocated'' and inserting ''the amount of such limitation allocated by the Secretary''.

(d) REGULATORY AUTHORITY.—Section 45D(i) is amended by striking ''and'' at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting '', and'', and by adding at the end the following new paragraph:

''(7) which provide documentation requirements for the written statement required under subsection (e)(1)(B)(ii), and

''(8) which provide procedures for determining which projects under subsection (e)(1)(B) are qualified active low-income community businesses with respect to the populations described in such subsection. Such procedures shall take into account the location needs of such projects, especially with respect to projects that serve multiple tribal or Alaska Native Village communities.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to new markets tax credit limitation determined for calendar years after December 31, 2021.

SEC. 135303. INCLUSION OF INDIAN AREAS AS DIFFICULT DEVELOPMENT AREAS FOR PURPOSES OF CERTAIN BUILDINGS.

(a) IN GENERAL.—Subclause (I) of section 42(d)(5)(B)(iii) is amended by inserting '', or any Indian area'' before the period at the end.

(b) INDIAN AREA.—Clause (iii) of section 42(d)(5)(B) is amended by redesignating subclause (II) as subclause (IV) and by inserting after subclause (I) the following new subclauses:

''(II) INDIAN AREA.—For purposes of subclause (I), the term 'Indian area' means any Indian area (as defined in section 4(11) of the Native American Housing Assistance and Self Determination Act of 1996 (25 U.S.C. 4103(11))).

''(III) SPECIAL RULE FOR BUILDINGS IN INDIAN AREAS.—In the case of an area which is a difficult development area solely because it is an Indian area, a building shall not be treated as located in such area unless such building is assisted or financed under the Native American Housing Assistance and Self Determination Act of 1996 (25 U.S.C. 4101 et seq.) or the project sponsor is an Indian tribe (as defined in section 45A(c)(6)), a tribally designated housing entity (as defined in section 4(22) of such Act (25 U.S.C. 4103(22))), or wholly owned or controlled by such an Indian tribe or tribally designated housing entity.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to buildings placed in service after December 31, 2021.

PART 4—OTHER PROVISIONS

SEC. 135401. POSSESSIONS ECONOMIC ACTIVITY CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

''SEC. 45V. POSSESSIONS ECONOMIC ACTIVITY CREDIT.

''(a) ALLOWANCE OF CREDIT.—For purposes of section 38, in the case of a qualified domestic corporation the possessions economic activity credit determined under this section for a taxable year is an amount equal to 20 percent of the sum of the qualified possession wages and allocable employee fringe benefit expenses paid or incurred by the taxpayer for the taxable year.

''(b) QUALIFIED DOMESTIC CORPORATION; QUALIFIED CORPORATION.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified domestic corporation' means any domestic corporation which is—

''(A) a qualified corporation, or

''(B) a United States shareholder of a foreign corporation which—

''(i) is a qualified corporation, and

''(ii) is wholly owned by the United States shareholder together with any corporations which are members of the same affiliated group (within the meaning of section 1504(a)) as such United States shareholder.

''(2) QUALIFIED CORPORATION.—The term 'qualified corporation' means any corporation if such corporation meets the following requirements:

''(A) SOURCE QUALIFICATION.—80 percent or more of the gross income of the corporation for the 3-year period immediately preceding the close of the taxable year (or for such part of such period immediately preceding the close of such taxable year as may be applicable) was derived from sources within a possession of the United States (determined without regard to section 904(f)).

''(B) TRADE OR BUSINESS QUALIFICATION.—75 percent or more of the gross income of the corporation for such period or such part thereof was derived from the active conduct of a trade or business within a possession of the United States.

''(3) SPECIAL RULE FOR SEPARATE AND CLEARLY IDENTIFIED UNITS OF FOREIGN CORPORATIONS.—

''(A) IN GENERAL.—In the case of a United States shareholder of a foreign corporation which—

''(i) is not a qualified corporation but with respect to which the ownership requirements of paragraph (1)(B)(ii) are met, and

''(ii) has an eligible foreign business unit which, if such unit were a corporation, would be a qualified corporation with respect to which such ownership requirements would be met,

then, for purposes of this section, the United States shareholder may elect to treat such unit as a separate foreign corporation which meets the requirements of paragraph (1)(B) and with respect to which such shareholder is a United States shareholder.

''(B) ELIGIBLE FOREIGN BUSINESS UNIT.—For purposes of this paragraph, the term 'eligible foreign business unit' means a separate and clearly identified foreign unit of a trade or business, including a partnership or an entity treated as disregarded as a separate entity from its owner (under section 7701 or other provision under this title), which maintains separate books and records.

''(C) SPECIAL ELECTION FOR AFFILIATED GROUPS.—In the case of an affiliated group described in paragraph (1)(B)(ii), the election under subparagraph (A) with respect to any eligible foreign business unit shall be made by the common parent of such group and shall apply uniformly to all members of such group which are United States shareholders with respect to the foreign corporation which has such unit.

''(c) QUALIFIED POSSESSION WAGES.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified possession wages' means wages paid or incurred by the qualified corporation during the taxable year in connection with the active conduct of a trade or business within a possession of the United States to any employee for services performed in such possession, but only if such services are performed while the principal place of employment of such employee is within such possession.

''(2) LIMITATION ON AMOUNT OF WAGES TAKEN INTO ACCOUNT.—

''(A) IN GENERAL.—The amount of wages which may be taken into account under paragraph (1) with respect to any employee for any taxable year shall not exceed $50,000.

''(B) TREATMENT OF PART-TIME EMPLOYEES, ETC.—If—

''(i) any employee is not employed by the qualified corporation on a substantially full-time basis at all times during the taxable year, or

''(ii) the principal place of employment of any employee with the qualified corporation is not within a possession at all times during the taxable year,

the limitation applicable under paragraph (1) with respect to such employee shall be the appropriate portion (as determined by the Secretary) of the limitation which would otherwise be in effect under paragraph (1).

''(C) WAGES.—

''(i) IN GENERAL.—Except as provided in clause (ii), the term 'wages' has the meaning given to such term by subsection (b) of section

3306 (determined without regard to any dollar limitation contained in such section). For purposes of the preceding sentence, such subsection (b) shall be applied as if the term 'United States' included all possessions of the United States.

''(ii) SPECIAL RULE FOR AGRICULTURAL LABOR AND RAILWAY LABOR.—In any case to which subparagraph (A) or (B) of paragraph (1) of section 51(h) applies, the term 'wages' has the meaning given to such term by section 51(h)(2).

''(3) ALLOCABLE EMPLOYEE FRINGE BENEFIT EXPENSES.—

''(A) IN GENERAL.—The allocable employee fringe benefit expenses of any qualified corporation for any taxable year is an amount which bears the same ratio to the amount determined under subparagraph (B) for such taxable year as—

''(i) the aggregate amount of the qualified corporation's qualified possession wages for such taxable year, bears to

''(ii) the aggregate amount of the wages paid or incurred by such qualified corporation during such taxable year.

In no event shall the amount determined under the preceding sentence exceed 15 percent of the amount referred to in clause (i).

''(B) EXPENSES TAKEN INTO ACCOUNT.—For purposes of subparagraph (A), the amount determined under this subparagraph for any taxable year is the aggregate amount allowable (or, in the case of a foreign corporation, which would be allowable if such foreign corporation were a domestic corporation) as a deduction under this chapter to the qualified corporation for such taxable year with respect to—

''(i) employer contributions under a stock bonus, pension, profit-sharing, or annuity plan,

''(ii) employer-provided coverage under any accident or health plan for employees, and

''(iii) the cost of life or disability insurance provided to employees.

Any amount treated as wages under paragraph (2)(C) shall not be taken into account under this subparagraph.

''(d) SPECIAL RULE FOR QUALIFIED SMALL DOMESTIC CORPORATION.—For purposes of this section—

''(1) INCREASED CREDIT PERCENTAGE.—In the case of a qualified small domestic corporation, subsection (a) shall be applied by substituting '50 percent' for '20 percent'.

''(2) QUALIFIED SMALL DOMESTIC CORPORATION.—

''(A) IN GENERAL.—The term 'qualified small domestic corporation' means a qualified domestic corporation that meets the requirements of subparagraphs (B) and (C).

''(B) FULL-TIME EMPLOYMENT.—A qualified domestic corporation meets the requirements of this subparagraph if the qualified corporation which is the qualified domestic corporation under subsection (b)(1)(A) or the foreign corporation under subsection (b)(1)(B)(i)—

''(i) has at least 5 full-time employees in a possession of the United States for each year in the 3-year period immediately preceding the close of the taxable year (or for such part of such period immediately preceding the close of such taxable year as may be applicable), and

''(ii) has not more than a total of 30 full-time employees for each year in such 3-year period.

''(C) GROSS RECEIPTS.—A qualified domestic corporation meets the requirements of this subparagraph if the annual gross receipts of the qualified domestic corporation (and all persons related thereto) for each year in such 3-year period is not more than $50,000,000.

''(3) RELATED PERSONS.—In determining whether the limitations under subparagraphs (B)(ii) and (C) of paragraph (2) are met, all persons who are treated as a single employer for purposes of subsection (a) or (b) of section 52 shall be taken into account.

''(4) AMOUNT OF WAGES TAKEN INTO ACCOUNT.—Subsection (c)(2)(A) shall be applied by substituting '$142,800' for '$50,000'.

''(e) POSSESSION OF THE UNITED STATES.—

''(1) IN GENERAL.—The term 'possession of the United States' means American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

''(2) MIRROR CODE POSSESSIONS.—In the case of any possession of the United States with a mirror code tax system (as defined in section 24(k)), this section shall not be treated as part of the income tax laws of the United States for purposes of determining the income tax law of such possession unless such possession elects to have this section be so treated.

''(f) SEPARATE APPLICATION TO EACH POSSESSION.—For purposes of determining the amount of the credit allowed under this section, this section shall be applied separately with respect to each possession of the United States.

''(g) TERMINATION.—No credit shall be allowed under this section for any taxable year beginning after December 31, 2031.''.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38, as amended by the preceding provisions of this Act, is amended by striking ''plus'' at the end of paragraph (34), by striking the period at the end of paragraph (35) and inserting '', plus'', and by adding at the end the following new paragraph:

''(36) the possessions economic activity credit determined under section 45V.''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following:

''Sec. 45V. Possessions economic activity credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act, and in the case of a qualified corporation that is a foreign corporation, to taxable years beginning after the date of enactment and to taxable years of United States shareholders in which or with which such taxable years of foreign corporations end.

SEC. 135402. TAX TREATMENT OF CERTAIN ASSISTANCE TO FARMERS, ETC.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, in the case of any payment described in section 1005(b) or 1006(e) of the American Rescue Plan Act of 2021 (as amended by this Act)—

(1) such payment shall not be included in the gross income of the person on whose behalf, or to whom, such payment is made,

(2) no deduction shall be denied, no tax attribute shall be reduced, and no basis increase shall be denied, by reason of the exclusion from gross income provided by paragraph (1), and

(3) in the case of a partnership or S corporation on whose behalf, or to whom, such a payment is made—

(A) any amount excluded from income by reason of paragraph (1) shall be treated as tax exempt income for purposes of sections 705 and 1366 of such Code, and

(B) except as provided by the Secretary of the Treasury (or the Secretary's delegate), any increase in the adjusted basis of a partner's interest in a partnership under section 705 of such Code with respect to any amount described in subparagraph (A) shall equal the partner's distributive share of deductions resulting from interest that is part of such payment and the partner's share, as determined under section 752 of such Code, of principal that is part of such payment.

(b) AUTHORITY TO WAIVE CERTAIN INFORMATION REPORTING REQUIREMENTS.—The Secretary of the Treasury (or the Secretary's delegate) may provide an exception from any requirement to file an information return otherwise required by chapter 61 of the Internal Revenue Code of 1986 with respect to any amount excluded from gross income by reason of subsection (a).

SEC. 135403. EXCLUSION OF AMOUNTS RECEIVED FROM STATE-BASED CATASTROPHE LOSS MITIGATION PROGRAMS.

(a) IN GENERAL.—Section 139 is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) STATE-BASED CATASTROPHE LOSS MITIGATION PROGRAMS.—

''(1) IN GENERAL.—Gross income shall not include any amount received by an individual as a qualified catastrophe mitigation payment under a program established by—

''(A) a State, or a political subdivision or instrumentality thereof,

''(B) a joint powers authority, or

''(C) an entity created under State law to ensure the availability of an adequate market of last resort for essential property insurance, over which a State agency or State department of insurance has regulatory oversight.

''(2) QUALIFIED CATASTROPHE MITIGATION PAYMENT.—For purposes of this section, the term 'qualified catastrophe mitigation payment' means any amount which is received by an individual to make improvements to such individual's residence for the sole purpose of reducing the damage that would be done to such residence by a windstorm, earthquake, or wildfire.

''(3) NO INCREASE IN BASIS.—Rules similar to the rules of subsection (g)(3) shall apply in the case of this subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 139(d) is amended by striking ''and qualified'' and inserting '', qualified catastrophe mitigation payments, and qualified''.

(2) Section 139(i) (as redesignated by subsection (a)) is amended by striking ''or qualified'' and inserting '', qualified catastrophe mitigation payment, or qualified''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2020.

Subtitle F—Green Energy

SEC. 136001. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

PART 1—RENEWABLE ELECTRICITY AND REDUCING CARBON EMISSIONS

SEC. 136101. EXTENSION AND MODIFICATION OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) IN GENERAL.—The following provisions of section 45(d) are each amended by striking ''January 1, 2022'' each place it appears and inserting ''January 1, 2027'':

(1) Paragraph (2)(A).
(2) Paragraph (3)(A).
(3) Paragraph (4)(B).
(4) Paragraph (6).
(5) Paragraph (7).
(6) Paragraph (9).
(7) Paragraph (11)(B).

(b) BASE CREDIT AMOUNT.—Section 45 is amended by striking ''1.5 cents'' each place it appears and inserting ''0.3 cents''.

(c) APPLICATION OF EXTENSION TO SOLAR.—Section 45(d)(4)(A) is amended by striking ''is placed in service before January 1, 2006'' and inserting ''the construction of which begins before January 1, 2027.''.

(d) EXTENSION OF ELECTION TO TREAT QUALIFIED FACILITIES AS ENERGY PROPERTY.—Section 48(a)(5)(C)(ii) is amended by striking ''January 1, 2022'' and inserting ''January 1, 2027''.

(e) APPLICATION OF EXTENSION TO WIND FACILITIES.—

(1) IN GENERAL.—Section 45(d)(1) is amended by striking ''January 1, 2022'' and inserting ''January 1, 2027''.

(2) APPLICATION OF PHASEOUT PERCENTAGE.—

(A) RENEWABLE ELECTRICITY PRODUCTION CREDIT.—Section 45(b)(5) is amended by inserting ''placed in service before January 1, 2022'' after ''In the case of any facility''.

(B) ENERGY CREDIT.—Section 48(a)(5)(E) is amended by inserting ''placed in service before January 1, 2022'' after ''In the case of any facility''.

(3) QUALIFIED OFFSHORE WIND FACILITIES UNDER ENERGY CREDIT.—Section 48(a)(5)(F)(i) is amended by striking ''offshore wind facility—'' and all that follows and inserting the following: ''offshore wind facility, subparagraph (E) shall not apply.''.

(f) WAGE AND APPRENTICESHIP REQUIREMENTS.—Section 45(b) is amended by adding at the end the following new paragraphs:

''(6) INCREASED CREDIT AMOUNT FOR QUALIFIED FACILITIES.—

''(A) IN GENERAL.—In the case of any qualified facility which satisfies the requirements of subparagraph (B), the amount of the credit determined under subsection (a) (determined after the application of paragraphs (1) through (5)) shall be equal to such amount multiplied by 5 (determined without regard to this sentence).

''(B) QUALIFIED FACILITY REQUIREMENTS.—A qualified facility meets the requirements of this subparagraph if it is one of the following:

''(i) A facility with a maximum net output of less than 1 megawatt.

''(ii) A facility the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (7) and (8).

''(iii) A facility which satisfies the requirements of paragraphs (7) and (8).

''(7) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified facility are that the taxpayer shall ensure that any laborers and mechanics employed by contractors and subcontractors in—

''(i) the construction of such facility, and

''(ii) for the period of the taxable year which is within the 10-year period beginning on the date the facility was originally placed in service, the alteration or repair of such facility,

shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code. For purposes of determining an increased credit amount under paragraph (6)(A) for a taxable year, the requirement under clause (ii) is applied to such taxable year in which the alteration or repair of the qualified facility occurs.''

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—

''(i) IN GENERAL.—In the case of any taxpayer which fails to satisfy the requirement under subparagraph (A) with respect to the construction of any qualified facility or with respect to the alteration or repair of a facility in any year during the period described in subparagraph (A)(ii), such taxpayer shall be deemed to have satisfied such requirement under such subparagraph with respect to such facility for any year if, with respect to any laborer or mechanic who was paid wages at a rate below the rate described in such subparagraph for any period during such year, such taxpayer—

''(I) makes payment to such laborer or mechanic in an amount equal to the sum of—

''(aa) an amount equal to the difference between—

''(AA) the amount of wages paid to such laborer or mechanic during such period, and

''(BB) the amount of wages required to be paid to such laborer or mechanic pursuant to such subparagraph during such period, plus

''(bb) interest on the amount determined under item (aa) at the underpayment rate established under section 6621 (determined by substituting '6 percentage points' for '3 percentage points' in subsection (a)(2) of such section) for the period described in such item, and

''(II) makes payment to the Secretary of a penalty in an amount equal to the product of—

''(aa) $5,000, multiplied by

''(bb) the total number of laborers and mechanics who were paid wages at a rate below the rate described in subparagraph (A) for any period during such year.

''(ii) DEFICIENCY PROCEDURES NOT TO APPLY.—Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, gift, and certain excise taxes) shall not apply with respect to the assessment or collection of any penalty imposed by this paragraph.

''(iii) INTENTIONAL DISREGARD.—If the Secretary determines that any failure described in subclause (i) is due to intentional disregard of the requirements under subparagraph (A), subclause (I) shall be applied by substituting 'three times the sum' for 'the sum' in item (aa) thereof and subclause (II) shall be applied by substituting '$10,000' for '5,000' in item (aa) thereof.

''(iv) LIMITATION ON PERIOD FOR PAYMENT.—Pursuant to rules issued by the Secretary which are similar to the rules under chapter 63, in the case of a final determination by the Secretary with respect to any failure by the taxpayer to satisfy the requirement under subparagraph (A), subparagraph (B)(i) shall not apply unless the payments described in subclauses (I) and (II) of such clause are made by the taxpayer on or before the date which is 180 days after the date of such determination.

''(8) APPRENTICESHIP REQUIREMENTS.—The requirements described in this subparagraph with respect to the construction of any qualified facility are as follows:

''(A) LABOR HOURS.—

''(i) PERCENTAGE OF TOTAL LABOR HOURS.—Taxpayers shall ensure that not less than the applicable percentage of the total labor hours of the construction, alteration, or repair work (including such work performed by any contractor or subcontractor) on any qualified facility shall, subject to subparagraph (B), be performed by qualified apprentices.

''(ii) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable percentage shall be—

''(I) in the case of a qualified facility the construction of which begins before January 1, 2023, 10 percent,

''(II) in the case of a qualified facility the construction of which begins after December 31, 2022, and before January 1, 2024, 12.5 percent, and

''(III) in the case of a qualified facility the construction of which begins after December 31, 2023, 15 percent.

''(B) APPRENTICE TO JOURNEYWORKER RATIO.—The requirement under subparagraph (A)(i) shall be subject to any applicable requirements for apprentice-to-journeyworker ratios of the Department of Labor or the applicable State apprenticeship agency.

''(C) PARTICIPATION.—Each contractor and subcontractor who employs 4 or more individuals to perform construction, alteration, or repair work on a qualified facility shall employ 1 or more qualified apprentices to perform such work.

''(D) EXCEPTION.—

''(i) IN GENERAL.—A taxpayer shall not be treated as failing to satisfy the requirements of this paragraph if such taxpayer—

''(I) makes a good faith effort to comply with the requirements of this paragraph, or

''(II) subject to clause (iii), in the case of any failure by the taxpayer to satisfy the requirement under subparagraphs (A) and (C) with respect to the construction, alteration, or repair work on any qualified facility to which subclause (I) does not apply, makes payment to the Secretary of a penalty in an amount equal to the product of—

''(aa) $50, multiplied by

''(bb) the total labor hours for which the requirement described in such subparagraph was not satisfied with respect to the construction, alteration, or repair work on such qualified facility.

''(ii) GOOD FAITH EFFORT.—For purposes of clause (i), a taxpayer shall be deemed to have satisfied the requirements under such paragraph with respect to a qualified facility if such taxpayer has requested qualified apprentices from a registered apprenticeship program, as defined in section 3131(e)(3)(B), and—

''(I) such request has been denied, provided that such denial is not the result of a refusal by the contractors or subcontractors engaged in the performance of construction, alteration, or repair work on such qualified facility to comply with the established standards and requirements of the registered apprenticeship program, or

''(II) the registered apprenticeship program fails to respond to such request within 5 business days after the date on which such registered apprenticeship program received such request.

''(iii) INTENTIONAL DISREGARD.—If the Secretary determines that any failure described in subclause (i)(II) is due to intentional disregard of the requirements under subparagraphs (A) and (C), subclause (i)(II) shall be applied by substituting '$500' for '$50' in item (aa) thereof.

''(E) DEFINITIONS.—For purposes of this paragraph—

''(i) LABOR HOURS.—The term 'labor hours'—

''(I) means the total number of hours devoted to the performance of construction, alteration, or repair work by employees of the taxpayer (including construction, alteration, or repair work by any contractor or subcontractor), and

''(II) excludes any hours worked by—

''(aa) foremen,

''(bb) superintendents,

''(cc) owners, or

''(dd) persons employed in a bona fide executive, administrative, or professional capacity (within the meaning of those terms in part 541 of title 29, Code of Federal Regulations).

''(ii) QUALIFIED APPRENTICE.—The term 'qualified apprentice' means an individual who is an employee of the contractor or subcontractor and who is participating in a registered apprenticeship program, as defined in section 3131(e)(3)(B).

''(9) DOMESTIC CONTENT BONUS CREDIT AMOUNT.—

''(A) IN GENERAL.—In the case of any qualified facility which satisfies the requirement under subparagraph (B), the amount of the credit determined under subsection (a) (determined after the application of paragraphs (1) through (8)) shall be increased by an amount equal to 10 percent of the amount otherwise in effect under such subsection.

''(B) REQUIREMENT.—

''(i) IN GENERAL.—The requirement described in this subclause with respect to any qualified facility is satisfied if the taxpayer certifies to the Secretary (at such time, and in such form and manner, as the Secretary may prescribe) that any steel, iron, or manufactured product which is a component of such facility (upon completion of construction) was produced in the United States.

''(ii) STEEL AND IRON.—

''(I) IN GENERAL.—In the case of steel or iron, clause (i) shall be applied in a manner consistent with section 661.5(b) of title 49, Code of Federal Regulations.

''(II) EXCEPTION.—Subclause (I) shall not apply with respect to any steel or iron which is used as a component or subcomponent of a manufactured product which is not primarily made of steel or iron.

''(iii) MANUFACTURED PRODUCT.—For purposes of clause (i), the manufactured products which are components of a qualified facility upon completion of construction shall be deemed to have been produced in the United States if not less than the adjusted percentage of the total costs across all such manufactured products of such facility are attributable to manufactured products (including components) which

are mined, produced, or manufactured in the United States.

''(C) ADJUSTED PERCENTAGE.—

''(i) IN GENERAL.—Subject to subclause (ii), for purposes of subparagraph (B)(iii), the adjusted percentage shall be—

''(I) in the case of a facility the construction of which begins before January 1, 2025, 40 percent,

''(II) in the case of a facility the construction of which begins after December 31, 2024, and before January 1, 2026, 45 percent,

''(III) in the case of a facility the construction of which begins after December 31, 2025, and before January 1, 2027, 50 percent, and

''(IV) in the case of a facility the construction of which begins after December 31, 2026, 55 percent.

''(ii) OFFSHORE WIND FACILITY.—For purposes of subparagraph (B)(iii), in the case of a qualified facility which is an offshore wind facility, the adjusted percentage shall be—

''(I) in the case of a facility the construction of which begins before January 1, 2025, 20 percent,

''(II) in the case of a facility the construction of which begins after December 31, 2024, and before January 1, 2026, 27.5 percent,

''(III) in the case of a facility the construction of which begins after December 31, 2025, and before January 1, 2027, 35 percent,

''(IV) in the case of a facility the construction of which begins after December 31, 2026, and before January 1, 2028, 45 percent, and

''(V) in the case of a facility the construction of which begins after December 31, 2027, 55 percent.

''(10) PHASEOUT FOR ELECTIVE PAYMENT.—

''(A) IN GENERAL.—In the case of a taxpayer making an election under section 6417 with respect to a credit under this section, the amount of such credit shall be replaced with—

''(i) the value of such credit (determined without regard to this paragraph), multiplied by

''(ii) the applicable percentage.

''(B) 100 PERCENT APPLICABLE PERCENTAGE FOR CERTAIN QUALIFIED FACILITIES.—In the case of any qualified facility—

''(i) which satisfies the requirements under paragraph (9) with respect to the construction of such facility, or

''(ii) with a maximum net output of less than 1 megawatt,

the applicable percentage shall be 100 percent.

''(C) PHASED DOMESTIC CONTENT REQUIREMENT.—Subject to subparagraph (D), in the case of any qualified facility which is not described in subparagraph (B), the applicable percentage shall be—

''(i) if construction of such facility began before January 1, 2024, 100 percent,

''(ii) if construction of such facility began in calendar year 2024, 90 percent,

''(iii) if construction of such facility began in calendar year 2025, 85 percent, and

''(iv) if construction of such facility began after December 31, 2025, 0 percent.

''(D) EXCEPTION.—

''(i) IN GENERAL.—For purposes of this paragraph, the Secretary shall provide appropriate exceptions to the requirements under subparagraph (B) for the construction of qualified facilities if—

''(I) the inclusion of domestic products increases the overall costs of construction of qualified facilities by more than 25 percent, or

''(II) relevant domestic products are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality.

''(ii) APPLICABLE PERCENTAGE.—In any case in which the Secretary provides an exception pursuant to clause (i), the applicable percentage shall be 100 percent.

''(11) SPECIAL RULE FOR QUALIFIED FACILITY LOCATED IN ENERGY COMMUNITY.—

''(A) IN GENERAL.—In the case of a qualified facility which is located in an energy community, the credit determined under subsection (a) shall be increased by an amount equal to 10 percent of the amount otherwise in effect under such subsection (without application of subsection (b)(9)).

''(B) ENERGY COMMUNITY.—The term 'energy community' means a census tract or any directly adjoining census tract in which—

''(i) after December 31, 1999, a coal mine has closed, or

''(ii) after December 31, 2009, a coal-fired electric generating unit has been retired.

''(12) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of establishing the requirements of this subsection.''.

(g) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Section 45(b)(3) is amended to read as follows:

''(3) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—The amount of the credit determined under subsection (a) with respect to any facility for any taxable year (determined after the application of paragraphs (1) and (2)) shall be reduced by the amount which is the product of the amount so determined for such year and the lesser of 15 percent or a fraction—

''(A) the numerator of which is the sum, for the taxable year and all prior taxable years, of proceeds of an issue of any obligations used to provide financing for the qualified facility the interest on which is exempt from tax under section 103, and

''(B) the denominator of which is the aggregate amount of additions to the capital account for the qualified facility for the taxable year and all prior taxable years.

The amounts under the preceding sentence for any taxable year shall be determined as of the close of the taxable year.''.

(h) ROUNDING ADJUSTMENT.—Section 45(b)(2) is amended by striking ''If any amount as increased under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent'' and inserting ''If the 0.3 cent amount as increased under the preceding sentence is not a multiple of 0.05 cent, such amount shall be rounded to the nearest multiple of 0.05 cent. In any other case, if an amount as increased under this paragraph is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent''.

(i) CONFORMING AMENDMENT.—Section 45(b)(4)(A) is amended by striking ''last sentence'' and inserting ''last two sentences''.

(j) EFFECTIVE DATES.—

(1) The amendments made by subsections (a), (b), (c), (d), (e), (f), (h), and (i) of this section shall apply to facilities placed in service after December 31, 2021.

(2) The amendment made by subsection (g) shall apply to facilities the construction of which begins after December 31, 2021.

SEC. 136102. EXTENSION AND MODIFICATION OF ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—The following provisions of section 48 are each amended by striking ''January 1, 2024'' each place it appears and inserting ''January 1, 2027'':

(1) Subsection (a)(2)(A)(i)(II).

(2) Subsection (a)(3)(A)(ii).

(3) Subsection (c)(1)(D).

(4) Subsection (c)(2)(D).

(5) Subsection (c)(4)(C).

(b) FURTHER EXTENSION FOR CERTAIN ENERGY PROPERTY.—The following provisions of section 48 are each amended by striking ''January 1, 2024'' each place it appears and inserting ''January 1, 2034'':

(1) Subsection (a)(3)(A)(vii).

(2) Subsection (c)(3)(A)(iv).

(c) PHASEOUT OF CREDIT.—Section 48(a) is amended by striking paragraphs (6) and (7) and inserting the following new paragraph:

''(6) PHASEOUT FOR CERTAIN ENERGY PROPERTY.—In the case of any qualified fuel cell property, qualified small wind property, or energy property described in clause (i) or clause (ii) of paragraph (3)(A) the construction of which begins after December 31, 2019 and which is placed in service before January 1, 2022, the energy percentage determined under paragraph (2) shall be equal to 26 percent.''.

(d) BASE ENERGY PERCENTAGE AMOUNT.—Section 48(a) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking ''30 percent'' and inserting ''6 percent'', and

(B) in clause (ii), by striking ''10 percent'' and inserting ''2 percent'', and

(2) in paragraph (5)(A)(ii), by striking ''30 percent'' and inserting ''6 percent''.

(e) 6 PERCENT CREDIT FOR GEOTHERMAL.—Section 48(a)(2)(A)(i)(II) is amended by striking ''paragraph (3)(A)(i)'' and inserting ''clause (i) or (iii) of paragraph (3)(A)''.

(f) ENERGY STORAGE TECHNOLOGIES; QUALIFIED BIOGAS PROPERTY; MICROGRID CONTROLLERS; EXTENSION OF WASTE ENERGY RECOVERY PROPERTY.—

(1) IN GENERAL.—Section 48(a)(3)(A) is amended by striking ''or'' at the end of clause (vii), and by adding at the end the following new clauses:

''(ix) energy storage technology,

''(x) qualified biogas property, or

''(xi) microgrid controllers,''.

(2) APPLICATION OF 6 PERCENT CREDIT.—Section 48(a)(2)(A)(i) is amended by striking ''and'' at the end of subclauses (IV) and (V) and adding at the end the following new subclauses:

''(VI) energy storage technology,

''(VII) qualified biogas property,

''(VIII) microgrid controllers, and

''(IX) energy property described in clauses (v) and (vii) of paragraph (3)(A), and''.

(3) DEFINITIONS.—Section 48(c) is amended by adding at the end the following new paragraphs:

''(6) ENERGY STORAGE TECHNOLOGY.—

''(A) IN GENERAL.—The term 'energy storage technology' means property (other than property primarily used in the transportation of goods or individuals and not for the production of electricity) which receives, stores, and delivers energy for conversion to electricity (or, in the case of hydrogen, which stores energy), and has a nameplate capacity of not less than 5 kilowatt hours.

''(B) MODIFICATIONS OF CERTAIN PROPERTY.—In the case of any equipment which either—

''(i) would be described in subparagraph (A) except that such equipment has a capacity of less than 5 kilowatt hours and is modified such that such equipment (after such modification) has a nameplate capacity of not less than 5 kilowatt hours, or

''(ii) is described in subparagraph (A) and which has a capacity of not less than 5 kilowatt hours and is modified such that such equipment (after such modification) has an increased nameplate capacity,

such equipment shall be treated as described in subparagraph (A) except that the basis of any property which was part of such equipment before such modification shall not be taken into account for purposes of this section. In the case of any property to which this subparagraph applies, subparagraph (C) shall be applied by substituting 'modification' for 'construction'.

''(C) TERMINATION.—The term 'energy storage technology' shall not include any property the construction of which does not begin before January 1, 2027.

''(7) QUALIFIED BIOGAS PROPERTY.—

''(A) IN GENERAL.—The term 'qualified biogas property' means property comprising a system which—

''(i) converts biomass (as defined in section 45K(c)(3), as in effect on the date of enactment of this paragraph) into a gas which—

''(I) consists of not less than 52 percent methane by volume, or

''(II) is concentrated by such system into a gas which consists of not less than 52 percent methane, and

''(ii) captures such gas for sale or productive use, and not for disposal via combustion.

''(B) INCLUSION OF CLEANING AND CONDITIONING PROPERTY.—The term 'qualified biogas property' includes any property which is part of such system which cleans or conditions such gas.

''(C) TERMINATION.—The term 'qualified biogas property' shall not include any property the construction of which does not begin before January 1, 2027.

''(8) MICROGRID CONTROLLER.—

''(A) IN GENERAL.—The term 'microgrid controller' means equipment which is—

''(i) part of a qualified microgrid, and

''(ii) designed and used to monitor and control the energy resources and loads on such microgrid.

''(B) QUALIFIED MICROGRID.—The term 'qualified microgrid' means an electrical system which—

''(i) includes equipment which is capable of generating not less than 4 kilowatts and not greater than 20 megawatts of electricity,

''(ii) is capable of operating—

''(I) in connection with the electrical grid and as a single controllable entity with respect to such grid, and

''(II) independently (and disconnected) from such grid, and

''(iii) is not part of a bulk-power system (as defined in section 215 of the Federal Power Act (16 U.S.C. 24o)).

''(C) TERMINATION.—The term 'microgrid controller' shall not include any property the construction of which does not begin before January 1, 2027.''.

(4) DENIAL OF DOUBLE BENEFIT FOR QUALIFIED BIOGAS PROPERTY.—Section 45(e) is amended by adding at the end the following new paragraph:

''(12) COORDINATION WITH ENERGY CREDIT FOR QUALIFIED BIOGAS PROPERTY.—The term 'qualified facility' shall not include any facility which produces electricity from gas produced by qualified biogas property (as defined in section 48(c)(7)) if a credit is determined under section 48 with respect to such property for the taxable year or any prior taxable year.''.

(5) EXTENSION OF WASTE ENERGY RECOVERY PROPERTY.—Section 48(c)(5)(D) is amended by striking ''January 1, 2024'' and inserting ''January 1, 2034''.

(6) PHASEOUT OF CERTAIN OTHER ENERGY PROPERTY.—Section 48(a) is amended by adding at the end the following new paragraph:

''(7) PHASEOUT FOR CERTAIN OTHER ENERGY PROPERTY.—In the case of any energy property described in clause (v), (vii) or (viii) of paragraph (3)(A), the energy percentage determined under paragraph (2) shall be equal to—

''(A) in the case of any property described in paragraph (3)(A)(viii) the construction of which begins after December 31, 2019, and which is placed in service before January 1, 2022, 26 percent,

''(B) in the case of any property the construction of which begins before January 1, 2032, and which is placed in service after December 31, 2021, 6 percent,

''(C) in the case of any property the construction of which begins after December 31, 2031 and before January 1, 2033, 5.2 percent, and

''(D) in the case of any property the construction of which begins after December 31, 2032 and before January 1, 2034, 4.4 percent.''.

(g) FUEL CELLS USING ELECTROMECHANICAL PROCESSES.—

(1) IN GENERAL.—Section 48(c)(1) is amended—

(A) in subparagraph (A)(i)—

(i) by inserting ''or electromechanical'' after ''electrochemical'', and

(ii) by inserting ''(1 kilowatt in the case of a fuel cell power plant with a linear generator assembly)'' after ''0.5 kilowatt'', and

(B) in subparagraph (C)—

(i) by inserting '', or linear generator assembly,'' after ''a fuel cell stack assembly'', and

(ii) by inserting ''or electromechanical'' after ''electrochemical''.

(2) LINEAR GENERATOR ASSEMBLY LIMITATION.—Section 48(c)(1) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

''(D) LINEAR GENERATOR ASSEMBLY.—The term 'linear generator assembly' does not include any assembly which contains rotating parts.''.

(h) DYNAMIC GLASS.—Section 48(a)(3)(A)(ii) is amended by inserting '', or electrochromic glass which uses electricity to change its light transmittance properties in order to heat or cool a structure,'' after ''sunlight''.

(i) COORDINATION WITH LOW INCOME HOUSING TAX CREDIT.—Paragraph (3) of section 50(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of subparagraph (A),

(2) by striking the period at the end of subparagraph (B) and inserting '', and'', and

(3) by adding at the end the following new subparagraph:

''(C) paragraph (1) shall not apply for purposes of determining eligible basis under section 42.''.

(j) INTERCONNECTION PROPERTY.—Section 48(a) is amended by adding at the end the following new paragraph:

''(8) INTERCONNECTION PROPERTY.—

''(A) IN GENERAL.—For purposes of determining the credit under subsection (a), energy property shall include amounts paid or incurred by the taxpayer for qualified interconnection property in connection with the installation of energy property (described in paragraph (3)(A)) which has a maximum net output of not greater than 5 megawatts, to provide for the transmission or distribution of the electricity produced or stored by such property, and which are properly chargeable to the capital account of the taxpayer.

''(B) QUALIFIED INTERCONNECTION PROPERTY.—The term 'qualified interconnection property' means, with respect to an energy project which is not a microgrid controller, any tangible property—

''(i) which is part of an addition, modification, or upgrade to a transmission or distribution system which is required at or beyond the point at which the energy project interconnects to such transmission or distribution system in order to accommodate such interconnection,

''(ii) either—

''(I) which is constructed, reconstructed, or erected by the taxpayer, or

''(II) for which the cost with respect to the construction, reconstruction, or erection of such property is paid or incurred by such taxpayer, and

''(iii) the original use of which, pursuant to an interconnection agreement, commences with a utility.

''(C) INTERCONNECTION AGREEMENT.—The term 'interconnection agreement' means an agreement with a utility for the purposes of interconnecting the energy property owned by such taxpayer to the transmission or distribution system of such utility.

''(D) UTILITY.—The term 'utility' means the owner or operator of an electrical transmission or distribution system which is subject to the regulatory authority of a State or political subdivision thereof, any agency or instrumentality of the United States, a public service or public utility commission or other similar body of any State or political subdivision thereof, or the governing or ratemaking body of an electric cooperative.

''(E) SPECIAL RULE FOR INTERCONNECTION PROPERTY.—In the case of expenses paid or incurred for interconnection property, amounts otherwise chargeable to capital account with respect to such expenses shall be reduced under rules similar to the rules of section 50(c).''.

(k) WAGE AND APPRENTICESHIP REQUIREMENTS.—Section 48(a) is amended by adding at the end the following new paragraphs:

''(9) INCREASED CREDIT AMOUNT FOR ENERGY PROJECTS.—

''(A) IN GENERAL.—

''(i) RULE.—In the case of any energy project which satisfies the requirements of subparagraph (B), the amount of the credit determined under this subsection (determined after the application of paragraphs (1) through (8) shall be equal to such amount multiplied by 5 (determined without regard to this sentence).

''(ii) ENERGY PROJECT DEFINED.—For purposes of this subsection the term 'energy project' means a project consisting of one or more energy properties that are part of a single project. The requirements of this paragraph shall be applied to such project.

''(B) PROJECT REQUIREMENTS.—A project meets the requirements of this subparagraph if it is one of the following:

''(i) A project with a maximum net output of less than 1 megawatt of electrical or thermal energy.

''(ii) A project the construction of which begins before the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (10) and (11).

''(iii) A project which satisfies the requirements of paragraphs (10) and (11).

''(10) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any energy project are that the taxpayer shall ensure that any laborers and mechanics employed by contractors and subcontractors in—

''(i) the construction of such energy project, and

''(ii) for the five-year period beginning on the date such project is originally placed in service, the alteration or repair of such project,

shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of clauses (i) through (iv) of section 45(b)(7)(B) shall apply.

''(C) RECAPTURE.—The Secretary shall, by regulations or other guidance, provide for recapturing the benefit of any increase in the credit allowed under this subsection by reason of this paragraph with respect to any project which does not satisfy the requirements under subparagraph (A) (after application of subparagraph (B)) for the period described in clause (ii) of subparagraph (A) (but which does not cease to be investment credit property within the meaning of section 50(a)). The period and percentage of such recapture shall be determined under rules similar to the rules of section 50(a).

''(11) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(12) DOMESTIC CONTENT BONUS CREDIT AMOUNT.—

''(A) IN GENERAL.—In the case of any energy project which satisfies the requirement under subparagraph (B), for purposes of applying paragraph (2) with respect to such property, the energy percentage shall be increased by the applicable credit rate increase.

''(B) REQUIREMENT.—Rules similar to the rules of section 45(b)(9)(B) shall apply.

''(C) APPLICABLE CREDIT RATE INCREASE.—For purposes of subparagraph (A), the applicable credit rate increase shall be—

''(i) in the case of an energy project that does not satisfy the requirements of paragraph (9)(B), 2 percentage points, and

''(ii) in the case of an energy project that satisfies the requirements of paragraph (9)(B), 10 percentage points.

''(13) PHASEOUT FOR ELECTIVE PAYMENT.—Rules similar to the rules of section 45(b)(10) shall apply.

''(14) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of establishing the requirements of this subsection.''.

(l) SPECIAL RULE FOR PROPERTY FINANCED BY TAX-EXEMPT BONDS.—Section 48(a)(4) is amended to read as follows:

''(4) SPECIAL RULE FOR PROPERTY FINANCED BY TAX-EXEMPT BONDS.—Rules similar to the rule under section 45(b)(3) shall apply for purposes of this section.''.

(m) TREATMENT OF CERTAIN CONTRACTS INVOLVING ENERGY STORAGE.—Section 7701(e) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A)(i), by striking ''or'' at the end of subclause (II), by striking ''and'' at the end of subclause (III) and inserting ''or'', and by adding at the end the following new subclause:

''(IV) the operation of a storage facility, and'', and

(B) by adding at the end the following new subparagraph:

''(F) STORAGE FACILITY.—For purposes of subparagraph (A), the term 'storage facility' means a facility which uses energy storage technology within the meaning of section 48(c)(6).'', and

(2) in paragraph (4), by striking ''or water treatment works facility'' and inserting ''water treatment facility, or storage facility''.

(n) INCREASE IN CREDIT RATE FOR ENERGY COMMUNITIES.—Section 48(a) is amended by adding at the end the following new paragraph:

''(15) INCREASE IN CREDIT RATE FOR ENERGY COMMUNITIES.—

''(A) IN GENERAL.—In the case of any energy project that is placed in service within an energy community (as defined in section 45(b)(11)(B)), for purposes of applying paragraph (2) with respect to such property, the energy percentage shall be increased by the applicable credit rate increase.

''(B) APPLICABLE CREDIT RATE INCREASE.—For purposes of subparagraph (A), the applicable credit rate increase shall be equal to—

''(i) in the case of any energy project that does not satisfy the requirements of paragraph (9)(B), 2 percentage points, and

''(ii) in the case of any energy project that satisfies the requirements of paragraph (9)(B), 10 percentage points.''.

(o) EFFECTIVE DATES.—

(1) The amendments made by subsections (a), (b), (c), (d), (h), (i), (j), (l), (m), and (n) of this section shall apply to property placed in service after December 31, 2021.

(2) The amendments made by subsections (e), (f), and (g) shall apply to property placed in service after December 31, 2021, and, for any property the construction of which begins prior to January 1, 2022, only to the extent of the basis thereof attributable to the construction, reconstruction, or erection after December 31, 2021.

(3) The amendments made by subsection (k) shall apply to property the construction of which begins after December 31, 2021.

SEC. 136103. INCREASE IN ENERGY CREDIT FOR SOLAR FACILITIES PLACED IN SERVICE IN CONNECTION WITH LOW-INCOME COMMUNITIES.

(a) IN GENERAL.—Section 48 is amended by adding at the end the following new subsection:

''(e) SPECIAL RULES FOR CERTAIN SOLAR AND WIND FACILITIES PLACED IN SERVICE IN CONNECTION WITH LOW-INCOME COMMUNITIES.—

''(1) IN GENERAL.—In the case of any qualified solar and wind facility with respect to which the Secretary makes an allocation of environmental justice solar and wind capacity limitation under paragraph (4)—

''(A) the energy percentage otherwise determined under subsection (a)(2) with respect to any eligible property which is part of such facility shall be increased by—

''(i) in the case of a facility described in subclause (I) of paragraph (2)(A)(iii) and not described in subclause (II) of such paragraph, 10 percentage points, and

''(ii) in the case of a facility described in subclause (II) of paragraph (2)(A)(iii), 20 percentage points, and

''(B) the increase in the credit determined under subsection (a) by reason of this subsection for any taxable year with respect to all property which is part of such facility shall not exceed the amount which bears the same ratio to the amount of such increase (determined without regard to this subparagraph) as—

''(i) the environmental justice solar and wind capacity limitation allocated to such facility, bears to

''(ii) the total megawatt nameplate capacity of such facility, as measured in direct current.

''(2) QUALIFIED SOLAR AND WIND FACILITY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified solar and wind facility' means any facility—

''(i) which generates electricity solely from property described in section 45(d)(1) or in clause (i) or (vi) of subsection (a)(3)(A),

''(ii) which has a maximum net output of less than 5 megawatts, and

''(iii) which—

''(I) is located in a low-income community (as defined in section 45D(e)) or on Indian land (as defined in section 2601(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2))), or

''(II) is part of a qualified low-income residential building project or a qualified low-income economic benefit project.

''(B) QUALIFIED LOW-INCOME RESIDENTIAL BUILDING PROJECT.—A facility shall be treated as part of a qualified low-income residential building project if—

''(i) such facility is installed on a residential rental building which participates in a covered housing program (as defined in section 41411(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12491(a)(3)), a Housing Development Fund Corporation cooperative under Article XI of the New York State Private Housing Finance Law, a housing assistance program administered by the Department of Agriculture under title V of the Housing Act of 1949, a housing program administered by a tribally designated housing entity (as defined in section 4(22) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(22))) or such other affordable housing programs as the Secretary may provide, and

''(ii) the financial benefits of the electricity produced by such facility are allocated equitably among the occupants of the dwelling units of such building.

''(C) QUALIFIED LOW-INCOME ECONOMIC BENEFIT PROJECT.—A facility shall be treated as part of a qualified low-income economic benefit project if at least 50 percent of the financial benefits of the electricity produced by such facility are provided to households with income of—

''(i) less than 200 percent of the poverty line applicable to a family of the size involved, or

''(ii) less than 80 percent of area median gross income (as determined under section 142(d)(2)(B)).

''(D) FINANCIAL BENEFIT.—For purposes of subparagraphs (B) and (C), electricity acquired at a below-market rate shall not fail to be taken into account as a financial benefit.

''(3) ELIGIBLE PROPERTY.—For purposes of this section, the term 'eligible property' means energy property which is part of a facility described in section 45(d)(1) or in clause (i) or (vi) of subsection (a)(3)(A), including energy storage property (described in subsection (a)(3)(A)(viii)) installed in connection with such energy property.

''(4) ALLOCATIONS.—

''(A) IN GENERAL.—Not later than 270 days after the date of enactment of this subsection, the Secretary shall establish a program to allocate amounts of environmental justice solar and wind capacity limitation to qualified solar and wind facilities.

''(B) LIMITATION.—The amount of environmental justice solar and wind capacity limitation allocated by the Secretary under subparagraph (A) during any calendar year shall not exceed the annual capacity limitation with respect to such year.

''(C) ANNUAL CAPACITY LIMITATION.—For purposes of this paragraph, the term 'annual capacity limitation' means 1.8 gigawatts of direct current capacity for each of calendar years 2022 through 2026, and zero thereafter.

''(D) CARRYOVER OF UNUSED LIMITATION.—If the annual capacity limitation for any calendar year exceeds the aggregate amount allocated for such year under this paragraph, such limitation for the succeeding calendar year shall be increased by the amount of such excess. No amount may be carried under the preceding sentence to any calendar year after 2026 except as provided in section 48F(i)(4)(D)(ii).

''(E) PLACED IN SERVICE DEADLINE.—

''(i) IN GENERAL.—Paragraph (1) shall not apply with respect to any property which is placed in service after the date that is 4 years after the date of the allocation with respect to the facility of which such property is a part.

''(ii) APPLICATION OF CARRYOVER.—Any amount of environmental justice solar and wind capacity limitation which expires under clause (i) during any calendar year shall be taken into account as an excess described in subparagraph (D) (or as an increase in such excess) for such calendar year, subject to the limitation imposed by the last sentence of such subparagraph.

''(F) SELECTION CRITERIA.—

''(i) IN GENERAL.—In determining to which qualified solar and wind facilities to allocate environmental justice solar and wind capacity limitation under this paragraph, the Secretary shall take into consideration which facilities will result in—

''(I) the greatest health and economic benefits, including the ability to withstand extreme weather events, for individuals described in section 45D(e)(2),

''(II) the greatest employment and wages for such individuals, and

''(III) the greatest engagement with, outreach to, or ownership by, such individuals, including through partnerships with local governments, community-based organizations, an Indian tribal government (as defined in clause (ii)), or any Alaska Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)).

''(ii) INDIAN TRIBAL GOVERNMENT.—For purposes of this subparagraph, the term 'Indian tribal government' means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this subsection pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

''(G) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making an allocation of environmental justice solar and wind capacity limitation under this paragraph, publicly disclose the identity of the applicant, the amount of the environmental justice solar and wind capacity limitation allocated to such applicant, and the location of the facility for which such allocation is made.

''(5) RECAPTURE.—The Secretary shall, by regulations or other guidance, provide for recapturing the benefit of any increase in the credit allowed under subsection (a) by reason of this subsection with respect to any property which ceases to be property eligible for such increase (but which does not cease to be investment credit property within the meaning of section 50(a)). The period and percentage of such recapture

shall be determined under rules similar to the rules of section 50(a). To the extent provided by the Secretary, such recapture may not apply with respect to any property if, within 12 months after the date the taxpayer becomes aware (or reasonably should have become aware) of such property ceasing to be property eligible for such increase, the eligibility of such property for such increase is restored. The preceding sentence shall not apply more than once with respect to any facility.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2022.

SEC. 136104. ELECTIVE PAYMENT FOR ENERGY PROPERTY AND ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES, ETC.

(a) IN GENERAL.—Subchapter B of chapter 65 is amended by inserting after section 6416 the following new section:

''SEC. 6417. ELECTIVE PAYMENT OF APPLICABLE CREDITS.

''(a) IN GENERAL.—In the case of a taxpayer making an election (at such time and in such manner as the Secretary may provide) under this section with respect to any applicable credit determined with respect to such taxpayer, such taxpayer shall be treated as making a payment against the tax imposed by subtitle A (for the taxable year with respect to which such credit was determined) equal to the amount of such credit.

''(b) APPLICABLE CREDIT.—The term 'applicable credit' means each of the following:

''(1) So much of the renewable electricity production credit determined under section 45 as is attributable to qualified facilities which are originally placed in service after December 31, 2021, and with respect to which an election is made under subsection (c)(3).

''(2) The energy credit determined under section 48.

''(3) So much of the credit for carbon oxide sequestration determined under section 45Q as is attributable to carbon capture equipment which is originally placed in service after December 31, 2021, and with respect to which an election is made under subsection (c)(3).

''(4) The credit for alternative fuel vehicle refueling property allowed under section 30C.

''(5) The qualifying advanced energy project credit determined under section 48C.

''(c) SPECIAL RULES.—For purposes of this section—

''(1) APPLICATION TO TAX-EXEMPT AND GOVERNMENTAL ENTITIES.—In the case of any organization exempt from the tax imposed by subtitle A, any State or local government (or political subdivision thereof), the Tennessee Valley Authority, an Indian tribal government (as defined in section 48(e)(4)(F)(ii)), or any Alaska Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)) which makes the election described in subsection (a), any applicable credit shall be determined—

''(A) without regard to paragraphs (3) and (4)(A)(i) of section 50(b), and

''(B) by treating any property with respect to which such credit is determined as used in a trade or business of the taxpayer.

''(2) APPLICATION TO PARTNERSHIPS AND S CORPORATIONS.—

''(A) IN GENERAL.—In the case of any applicable credit determined with respect to any facility or property held directly by a partnership or S corporation, if such partnership or S corporation makes an election under this subsection (in such manner as the Secretary may provide) with respect to such credit—

''(i) the Secretary shall make a payment to such partnership or S corporation equal to the amount of such credit,

''(ii) subsection (d) shall be applied with respect to such credit before determining any partner's distributive share, or shareholder's pro rata share, of such credit,

''(iii) any amount with respect to which the election in subsection (a) is made shall be treated as tax exempt income for purposes of sections 705 and 1366, and

''(iv) a partner's distributive share of such tax exempt income shall be based on such partner's distributive share of the otherwise applicable credit for each taxable year.

''(B) COORDINATION WITH APPLICATION AT PARTNER OR SHAREHOLDER LEVEL.—In the case of any partnership or S corporation, subsection (a) shall be applied at the partner or shareholder level after application of subparagraph (A)(ii).

''(3) ELECTIONS.—

''(A) IN GENERAL.—Any election under this subsection shall be made not later than the due date (including extensions of time) for the return of tax for the taxable year for which the election is made, but in no event earlier than 270 days after the date of the enactment of this section. Any such election, once made, shall be irrevocable. Except as otherwise provided in this paragraph, any election under this subsection shall apply with respect to any credit for the taxable year for which the election is made.

''(B) RENEWABLE ELECTRICITY PRODUCTION CREDIT.—In the case of the credit described in subsection (b)(1), any election under this subsection shall—

''(i) apply separately with respect to each qualified facility,

''(ii) be made for the taxable year in which such qualified facility is originally placed in service, and

''(iii) shall apply to such taxable year and all subsequent taxable years with respect to such qualified facility.

''(C) CREDIT FOR CARBON OXIDE SEQUESTRATION.—In the case of the credit described in subsection (b)(3), any election under this subsection shall—

''(i) apply separately with respect to the carbon capture equipment originally placed in service by the taxpayer during a taxable year, and

''(ii) shall apply to such taxable year and all subsequent taxable years with respect to such equipment.

''(4) TIMING.—The payment described in subsection (a) shall be treated as made on—

''(A) in the case of any government, or political subdivision, described in paragraph (1) and for which no return is required under section 6011 or 6033(a), the later of the date that a return would be due under section 6033(a) if such government or subdivision were described in that section or the date on which such government or subdivision submits a claim for credit or refund (at such time and in such manner as the Secretary shall provide), and

''(B) in any other case, the later of the due date (determined without regard to extensions) of the return of tax for the taxable year or the date on which such return is filed.

''(5) TREATMENT OF PAYMENTS TO PARTNERSHIPS AND S CORPORATIONS.—For purposes of section 1324 of title 31, United States Code, the payments under paragraph (2)(A)(ii) shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

''(6) ADDITIONAL INFORMATION.—As a condition of, and prior to, a payment under this section, the Secretary may require such information or registration as the Secretary deems necessary or appropriate for purposes of preventing duplication, fraud, improper payments, or excessive payments under this section.

''(7) EXCESSIVE PAYMENT.—

''(A) IN GENERAL.—In the case of a payment made to a taxpayer under this subsection or any amount treated as a payment which is made by the taxpayer under subsection (a) which the Secretary determines constitutes an excessive payment, the tax imposed on such taxpayer by chapter 1 for the taxable year in which such determination is made shall be increased by an amount equal to the sum of—

''(i) the amount of such excessive payment, plus

''(ii) an amount equal to 20 percent of such excessive payment.

''(B) REASONABLE CAUSE.—Subparagraph (A)(ii) shall not apply if the taxpayer demonstrates to the satisfaction of the Secretary that the excessive payment resulted from reasonable cause.

''(C) EXCESSIVE PAYMENT DEFINED.—For purposes of this paragraph, the term 'excessive payment' means, with respect to a facility for which an election is made under this section for any taxable year, an amount equal to the excess of—

''(i) the amount of the payment made to the taxpayer under this subsection or any amount treated as a payment which is made by the taxpayer under subsection (a) with respect to such facility for such taxable year, over

''(ii) the amount of the credit which, without application of this subsection, would be otherwise allowable (determined without regard to section 38(c)) under this section with respect to such facility for such taxable year.

''(d) DENIAL OF DOUBLE BENEFIT.—In the case of a taxpayer making an election under this section with respect to an applicable credit, such credit shall be reduced to zero and shall, for any other purposes under this title, be deemed to have been allowed to the taxpayer for such taxable year.

''(e) MIRROR CODE POSSESSIONS.—In the case of any possession of the United States with a mirror code tax system (as defined in section 24(k)), this section shall not be treated as part of the income tax laws of the United States for purposes of determining the income tax law of such possession unless such possession elects to have this section be so treated.

''(f) BASIS REDUCTION AND RECAPTURE.—Except as otherwise provided in subsection (c)(1)(A), rules similar to the rules of section 50 shall apply for purposes of this section.

''(g) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including—

''(1) regulations or other guidance providing rules for determining a partner's distributive share of the tax exempt income described in subsection (c)(2)(A)(iii), and

''(2) guidance to ensure that the amount of the payment or deemed payment made under this section is commensurate with the amount of the credit that would be otherwise allowable (determined without regard to section 38(c)).''.

(b) APPLICATION WITH RESPECT TO REAL ESTATE INVESTMENT TRUSTS.—Section 50(d) is amended by adding at the end the following: ''In the case of a real estate investment trust making an election under section 6417, paragraphs (1)(B) and (2)(B) of the section 46(e) referred to in paragraph (1) of this subsection shall not apply to any qualified investment credit property of a real estate investment trust.''.

(c) GROSS-UP OF PAYMENTS IN CASE OF SEQUESTRATION.—In the case of any payment made as a refund due to an overpayment as a result of section 6417 of the Internal Revenue Code of 1986 after the date of the enactment of this Act to which sequestration applies, the amount of such payment shall be increased to an amount equal to—

(1) such payment (determined before such sequestration), multiplied by

(2) the quotient obtained by dividing 1 by the amount by which 1 exceeds the percentage reduction in such payment pursuant to such sequestration.

For purposes of this subsection, the term ''sequestration'' means any reduction in direct spending ordered in accordance with a sequestration report prepared by the Director of the Office and Management and Budget pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 or the Statutory Pay-As-You-Go Act of 2010.

(d) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 is amended by inserting after the item relating to section 6416 the following new item:

''Sec. 6417. Elective payment of applicable credits.''.

(e) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 136105. INVESTMENT CREDIT FOR ELECTRIC TRANSMISSION PROPERTY.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 is amended by inserting after section 48C the following new section:

''SEC. 48D. QUALIFYING ELECTRIC TRANSMISSION PROPERTY.

''(a) ALLOWANCE OF CREDIT.—For purposes of section 46, the qualifying electric transmission property credit for any taxable year is an amount equal to 6 percent of the basis of qualifying electric transmission property placed in service by the taxpayer during such taxable year.

''(b) QUALIFYING ELECTRIC TRANSMISSION PROPERTY.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying electric transmission property' means tangible property—

''(A) which is a qualifying electric transmission line or related transmission property,

''(B)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

''(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer, and

''(C) with respect to which depreciation (or amortization in lieu of depreciation) is allowable.

''(2) QUALIFYING ELECTRIC TRANSMISSION LINE.—

''(A) IN GENERAL.—The term 'qualifying electric transmission line' means an electric transmission line which—

''(i) is capable of transmitting electricity at a voltage of not less than 275 kilovolts or is a superconducting line, and

''(ii) has a transmission capacity of not less than 500 megawatts.

''(B) SUPERCONDUCTING LINE.—For purposes of subparagraph (A), the term 'superconducting line' means a transmission line that conducts all of its current over a superconducting material.

''(3) RELATED TRANSMISSION PROPERTY.—

''(A) IN GENERAL.—The term 'related transmission property' means, with respect to any electric transmission line, any property which—

''(i) is listed as a 'transmission plant' in the Uniform System of Accounts for the Federal Energy Regulatory Commission under part 101 of subchapter C of chapter I of title 18, Code of Federal Regulations, and

''(ii) is—

''(I) necessary for the operation of such electric transmission line, or

''(II) conversion equipment along such electric transmission line.

''(B) CREDIT NOT ALLOWED SEPARATELY WITH RESPECT TO RELATED PROPERTY.—No credit shall be allowed to any taxpayer under this section with respect to any related transmission property unless such taxpayer is allowed a credit under this section with respect to the qualifying electric transmission line to which such related transmission property relates.

''(c) APPLICATION TO REPLACEMENT AND UPGRADED SYSTEMS.—

''(1) IN GENERAL.—In the case of any qualifying electric transmission line (determined without regard to this subsection) which replaces any existing electric transmission line—

''(A) the 500 megawatts referred to in subsection (b)(2)(A)(ii) shall be increased by the transmission capacity of such existing electric transmission line, and

''(B) in no event shall the basis of such existing electric transmission line (or related transmission property with respect to such existing electric transmission line) be taken into account in determining the credit allowed under this section.

''(2) UPGRADES TREATED AS REPLACEMENTS.—For purposes of this subsection, any upgrade of an existing electric transmission line shall be treated as a replacement of such line.

''(d) EXCEPTION FOR CERTAIN PROPERTY AND PROJECTS ALREADY IN PROCESS.—

''(1) IN GENERAL.—No credit shall be allowed under this section with respect to—

''(A) any property that is selected for cost allocation in a regional transmission plan approved by a transmission planning region that was approved by the Federal Energy Regulatory Commission prior to January 1, 2022, or

''(B) any property if—

''(i) construction of such property begins before January 1, 2022, or

''(ii) construction of any portion of the qualifying electric transmission line to which such property relates begins before such date.

''(2) WHEN CONSTRUCTION BEGINS.—For purposes of subparagraph (B) of paragraph (1), construction of property begins when the taxpayer has begun on-site physical work of a significant nature with respect to such property.

''(e) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

''(f) CREDIT ADJUSTMENTS; WAGE AND APPRENTICESHIP REQUIREMENTS.—

''(1) INCREASED CREDIT AMOUNT FOR APPLICABLE FACILITIES.—

''(A) IN GENERAL.—

''(i) RULE.—In the case of any applicable facility which satisfies the requirements of subparagraph (B), the amount of the credit determined under subsection (a) shall be such amount multiplied by 5 (determined without regard to this sentence).

''(ii) APPLICABLE FACILITY DEFINED.—For purposes of this subsection, the term 'applicable facility' means a qualifying electric transmission line and related transmission property to which such qualifying electric transmission line relates.

''(B) APPLICABLE FACILITY REQUIREMENTS.—An applicable facility meets the requirements of this subparagraph if it is one of the following:

''(i) An applicable facility the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (2) and (3).

''(ii) An applicable facility which satisfies the requirements of paragraphs (2) and (3).

''(2) PREVAILING WAGE REQUIREMENTS.—Rules similar to the rules of section 48(a)(10) shall apply.

''(3) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(4) DOMESTIC CONTENT BONUS CREDIT AMOUNT.—Rules similar to the rules of section 48(a)(12) shall apply.

''(5) PHASEOUT FOR ELECTIVE PAYMENT.—Rules similar to the rules of section 48(a)(13) shall apply.

''(g) TERMINATION.—This section shall not apply to any qualifying electric transmission property unless such property is placed in service before January 1, 2032.

''(h) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of establishing the requirements of this subsection.''.

(b) ELECTIVE PAYMENT OF CREDIT.—Section 6417(b), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

''(6) The qualifying electric transmission property credit determined under section 48D.''.

(c) SPECIAL RULE FOR PROPERTY FINANCED BY TAX-EXEMPT BONDS.—Section 48D, as added by subsection (a), is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) SPECIAL RULE FOR PROPERTY FINANCED BY TAX-EXEMPT BONDS.—Rules similar to the rules of section 45(b)(3) shall apply.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 46 is amended—

(A) by striking ''and'' at the end of paragraph (5),

(B) by striking the period at the end of paragraph (6) and inserting '', and'', and

(C) by adding at the end the following new paragraph:

''(7) the qualifying electric transmission property credit.''.

(2) Section 49(a)(1)(C) is amended—

(A) by striking ''and'' at the end of clause (vii),

(B) by striking the period at the end of clause (viii) and inserting '', and'', and

(C) by adding at the end the following new clause:

''(ix) the basis of any qualifying electric transmission property under section 48D.''.

(3) Section 50(a)(2)(E) is amended by striking ''or 48C(b)(2)'' and inserting ''48C(b)(2), or 48D(e)''.

(4) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 48C the following new item:

''Sec. 48D. Qualifying electric transmission property.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (d) of this section shall apply to property placed in service after December 31, 2021.

(2) TAX-EXEMPT BONDS.—The amendment made by subsection (c) shall apply to property the construction of which begins after December 31, 2021.

(3) EXCEPTION FOR CERTAIN PROPERTY AND PROJECTS ALREADY IN PROCESS.—For exclusion of certain property and projects already in process, see section 48D(d) of the Internal Revenue Code of 1986 (as added by this section).

SEC. 136106. EXTENSION AND MODIFICATION OF CREDIT FOR CARBON OXIDE SEQUESTRATION.

(a) MODIFICATION OF CARBON OXIDE CAPTURE REQUIREMENTS.—Section 45Q(d) is amended to read as follows:

''(d) QUALIFIED FACILITY.—

''(1) IN GENERAL.—For purposes of this section, the term 'qualified facility' means a facility which captures—

''(A) in the case of a direct air capture facility, not less than 1,000 metric tons of qualified carbon oxide during the taxable year,

''(B) in the case of an electricity generating facility, not less than 18,750 metric tons of qualified carbon oxide during the taxable year and not less than 75 percent by mass of the carbon oxide that would otherwise be released into the atmosphere by such facility during such taxable year, and

''(C) in the case of any other facility, not less than 12,500 metric tons of qualified carbon oxide during the taxable year.

''(2) TERMINATION RULE.—The term 'qualified facility' means any industrial facility or direct air capture facility—

''(A) the construction of which begins before January 1, 2032, and

''(B) either—

''(i) the construction of carbon capture equipment of which begins before such date, or

''(ii) the original planning and design of which includes installation of carbon capture equipment.''.

(b) DETERMINATION OF APPLICABLE DOLLAR AMOUNT.—

(1) IN GENERAL.—Section 45Q(b)(1) is amended by striking subparagraph (B) and by inserting after subparagraph (A) the following new subparagraphs:

''(B) SPECIAL RULE FOR DIRECT AIR CAPTURE FACILITIES.—For any qualified facility described in subsection (d)(1)(A), the construction of which begins after December 31, 2021, the applicable dollar amount shall be an amount equal to the applicable dollar amount otherwise determined with respect to such facility under subparagraph (A), except that such subparagraph shall be applied—

''(i) in clause (i)(I) of such subparagraph, by substituting '$36' for '$17', and

''(ii) in clause (i)(II) of such subparagraph, by substituting '$26' for '$12'.

''(C) APPLICABLE DOLLAR AMOUNT FOR ADDITIONAL CARBON CAPTURE EQUIPMENT.—In the case of any qualified facility the construction of which begins before January 1, 2022, if any additional carbon capture equipment is installed at such facility and construction of such equipment began after December 31, 2021, the applicable dollar amount shall be an amount equal to the applicable dollar amount otherwise determined under subparagraph (A), except that such subparagraph shall be applied by substituting 'carbon capture equipment' for 'qualified facility' each place it appears.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 45Q(b)(1)(A) is amended by striking ''The applicable dollar amount'' and inserting ''Except as provided in subparagraph (B), the applicable dollar amount''.

(B) Section 45Q(b)(1)(D), as redesignated by subparagraph (A), is amended by striking ''subparagraph (A)'' and inserting ''subparagraph (A), (B), or (C)''.

(C) Section 45Q(b)(2) is amended by inserting ''Subject to paragraph (3)'' before ''in the case''.

(c) WAGE AND APPRENTICESHIP REQUIREMENTS.—Section 45Q is amended by redesignating subsection (h) as subsection (i) and inserting after subsection (g) following new subsection:

''(h) INCREASED CREDIT AMOUNT FOR QUALIFIED FACILITIES AND CARBON CAPTURE EQUIPMENT.—

''(1) IN GENERAL.—In the case of any qualified facility and any carbon capture equipment which satisfy the requirements of paragraph (2), the amount of the credit determined under subsection (a) shall be equal to such amount multiplied by 5 (determined without regard to this sentence).

''(2) REQUIREMENTS.—The requirements described in this subparagraph are that—

''(A) with respect to any qualified facility the construction of which begins on or after the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3) and (4), as well as any carbon capture equipment placed in service at such facility—

''(i) subject to subparagraph (B) of paragraph (3), such facility and equipment satisfy the requirements under subparagraph (A) of such paragraph, and

''(ii) the construction of such facility and equipment satisfy the requirements under paragraph (4),

''(B) with respect to any carbon capture equipment the construction of which begins after the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3) and (4), and which is installed at a qualified facility the construction of which began prior to such date—

''(i) subject to subparagraph (B) of paragraph (3), such equipment satisfies the requirements of subparagraphs (A) of such paragraph, and

''(ii) the construction of such facility and equipment satisfy the requirements under paragraph (4), and

''(C) the construction of carbon capture equipment begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3) and (4), and such equipment is installed at a qualified facility the construction of which begins prior to such date.

''(3) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified facility and any carbon capture equipment placed in service at such facility are that the taxpayer shall ensure that any laborers and mechanics employed by contractors and subcontractors in—

''(i) in the case of—

''(I) any qualified facility described in subparagraph (A)(i) of paragraph (2), the construction of such facility and carbon capture equipment placed in service at such facility, or

''(II) any carbon capture equipment described in subparagraph (A)(ii) of paragraph (2), the construction of such equipment, and

''(ii) for the period of the taxable year which is within the 12-year period beginning on the date on which any carbon capture equipment is originally placed in service at any qualified facility (as described in paragraphs (3)(A) and (4)(A) of subsection (a)), the alteration or repair of such facility or such equipment,

shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code. For purposes of determining an increased credit amount under paragraph (1) for a taxable year, the requirement under clause (ii) of this paragraph is applied to such taxable year in which the alteration or repair of qualified facility occurs.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of clauses (i) through (iv) of section 45(b)(7)(B) shall apply.

''(4) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(5) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of establishing the requirements of this subsection.''.

(d) INCREASED APPLICABLE DOLLAR AMOUNT.—

(1) IN GENERAL.—Section 45Q(b)(1) is amended—

(A) by amending clause (i) of subparagraph (A) to read as follows:

''(i) for any taxable year beginning in a calendar year after 2016 and before 2027—

''(I) for purposes of paragraph (3) of subsection (a), $17 for each calendar year during such period, and

''(II) for purposes of paragraph (4) of such subsection, $12 for each calendar year during such period, and'', and

(B) in clause (ii)—

(i) in subclause (I), by striking ''$50'' and inserting ''the amount determined under clause (i)(I) with respect to the qualified facility'', and

(ii) in subclause (II), by striking ''$35'' and inserting ''the amount determined under clause (i)(II) with respect to the qualified facility''.

(e) INSTALLATION OF ADDITIONAL CARBON CAPTURE EQUIPMENT ON CERTAIN FACILITIES.—Section 45Q(b) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) INSTALLATION OF ADDITIONAL CARBON CAPTURE EQUIPMENT ON CERTAIN FACILITIES.—In the case of a qualified facility described in paragraph (1)(C), for purposes of determining the amount of qualified carbon oxide which is captured by the taxpayer, rules similar to rules of paragraph (2) shall apply for purposes of subsection (a).''.

(f) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Section 45Q(f) is amended by adding at the end the following new paragraph:

''(8) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Rules similar to the rule under section 45(b)(3) shall apply for purposes of this section.''.

(g) APPLICATION OF SECTION FOR CERTAIN CARBON CAPTURE EQUIPMENT.—Section 45Q(g) is amended by inserting ''the earlier of January 1, 2023 and'' before ''the end of the calendar year''.

(h) ELECTION.—Section 45Q(f) is amended by adding at the end the following new paragraph:

''(9) ELECTION.—For purposes of paragraphs (3) and (4) of subsection (a), a person described in paragraph (3)(A)(ii) may elect, at such time and in such manner as the Secretary may prescribe, to have the 12–year period begin on the first day of the first taxable year in which a credit under this section is claimed with respect to carbon capture equipment which is originally placed in service at a qualified facility on or after the date of the enactment of the Bipartisan Budget Act of 2018 (after application of subsection (f)(6) where applicable) if—

''(A) no taxpayer claimed a credit under this section with respect to such carbon capture equipment for any prior taxable year,

''(B) the qualified facility at which such carbon capture equipment is placed in service is located in an area affected by a federally–declared disaster (as defined by section 165(i)(5)(A)) after the carbon capture equipment is originally placed in service, and

''(C) such federally–declared disaster results in a cessation of the operation of the qualified facility after the carbon capture equipment is originally placed in service.''.

(i) EFFECTIVE DATES.—

(1) The amendments made by subsections (a), (b), (c), (d), (e), (f), and (g) shall apply to facilities or equipment the construction of which begins after December 31, 2021.

(2) The amendments made by subsection (h) shall apply to carbon oxide captured and disposed of after December 31, 2021.

SEC. 136107. GREEN ENERGY PUBLICLY TRADED PARTNERSHIPS.

(a) IN GENERAL.—Section 7704(d)(1)(E) is amended—

(1) by striking ''income and gains derived from the exploration'' and inserting ''income and gains derived from—

''(i) the exploration'',

(2) by inserting ''or'' before ''industrial source'', and

(3) by striking '', or the transportation or storage'' and all that follows and inserting the following:

''(ii) the generation of electric power or thermal energy exclusively using any qualified energy resource (as defined in section 45(c)(1)),

''(iii) the operation of energy property (as defined in section 48(a)(3), determined without regard to any date by which the construction of the facility is required to begin),

''(iv) in the case of a facility described in paragraph (3) or (7) of section 45(d) (determined without regard to any placed in service date or date by which construction of the facility is required to begin), the accepting or processing of open-loop biomass or municipal solid waste,

''(v) the transportation or storage of any fuel described in subsection (b), (c), (d), or (e) of section 6426,

''(vi) the conversion of renewable biomass (as defined in subparagraph (I) of section 211(o)(1) of the Clean Air Act (as in effect on the date of the enactment of this clause)) into renewable fuel (as defined in subparagraph (J) of such section as so in effect), or the storage or transportation of such fuel,

''(vii) the production, storage, or transportation of any fuel which—

''(I) uses as its primary feedstock carbon oxides captured from an anthropogenic source or the atmosphere,

''(II) does not use as its primary feedstock carbon oxide which is deliberately released from naturally occurring subsurface springs, and

''(III) is determined by the Secretary to achieve a reduction of not less than a 60 percent in lifecycle greenhouse gas emissions (as defined in section 211(o)(1)(H) of the Clean Air Act, as in effect on the date of the enactment of this clause) compared to baseline lifecycle greenhouse gas emissions (as defined in section 211(o)(1)(C) of such Act, as so in effect), or

''(viii) a qualified facility (as defined in section 45Q(d), without regard to any date by which construction of the facility is required to begin).''.

(b) EFFECTIVE DATE.—The amendments made by this section apply to taxable years beginning after December 31, 2021.

SEC. 136108. ZERO-EMISSION NUCLEAR POWER PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 45W. ZERO-EMISSION NUCLEAR POWER PRODUCTION CREDIT.

''(a) AMOUNT OF CREDIT.—For purposes of section 38, the zero-emission nuclear power production credit for any taxable year is an amount equal to the amount by which—

''(1) the product of—

''(A) 0.3 cents, multiplied by

''(B) the kilowatt hours of electricity—

''(i) produced by the taxpayer at a qualified nuclear power facility, and

''(ii) sold by the taxpayer to an unrelated person during the taxable year, exceeds

''(2) the reduction amount for such taxable year.

''(b) DEFINITIONS.—

''(1) QUALIFIED NUCLEAR POWER FACILITY.—For purposes of this section, the term 'qualified nuclear power facility' means any nuclear facility—

''(A) which is owned by the taxpayer and which uses nuclear energy to produce electricity,

''(B) which is not an advanced nuclear power facility as defined in subsection (d)(1) of section 45J, and

''(C) which is placed in service before the date of the enactment of this section.

''(2) REDUCTION AMOUNT.—

''(A) IN GENERAL.—For purposes of this section, the term 'reduction amount' means, with respect to any qualified nuclear power facility for any taxable year, the amount equal to the lesser of—

''(i) the amount determined under subsection (a)(1), or

''(ii) the amount equal to 16 percent of the excess of—

''(I) subject to subparagraph (B), the gross receipts from any electricity produced by such facility (including any electricity services or products provided in conjunction with the electricity produced by such facility) and sold to an unrelated person during such taxable year, over

''(II) the amount equal to the product of—

''(aa) 2.5 cents, multiplied by

''(bb) the amount determined under subsection (a)(1)(B).

''(B) TREATMENT OF CERTAIN RECEIPTS.—

''(i) IN GENERAL.—The amount determined under subparagraph (A)(ii)(I) shall include any amount received by the taxpayer during the taxable year with respect to the qualified nuclear power facility from a zero-emission credit program unless the amount received by the taxpayer is subject to reduction—

''(I) by the full amount of the credit determined under this section, or

''(II) by any lesser amount if such amount entirely offsets the amount received from a zero-emission credit program.

''(ii) ZERO-EMISSION CREDIT PROGRAM.—For purposes of this subparagraph, the term 'zero-emission credit program' means any payments to a qualified nuclear power facility as a result of any Federal, State or local government program for, in whole or in part, the zero-emission, zero-carbon, or air quality attributes of any portion of the electricity produced by such facility.

''(3) ELECTRICITY.—For purposes of this section, the term 'electricity' means the energy produced by a qualified nuclear power facility from the conversion of nuclear fuel into electric power.

''(c) OTHER RULES.—

''(1) INFLATION ADJUSTMENT.—The 0.3 cent amount in subsection (a)(1)(A) and the 2.5 cent amount in subsection (b)(2)(A)(ii)(II)(aa) shall each be adjusted by multiplying such amount by the inflation adjustment factor (as determined under section 45(e)(2), as applied by substituting 'calendar year 2022' for 'calendar year 1992' in subparagraph (B) thereof) for the calendar year in which the sale occurs. If the 0.3 cent amount as increased under this paragraph is not a multiple of 0.05 cent, such amount shall be rounded to the nearest multiple of 0.05 cent. If the 2.5 cent amount as increased under this paragraph is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

''(2) SPECIAL RULES.—Rules similar to the rules of paragraphs (1), (3), (4), and (5) of section 45(e) shall apply for purposes of this section.

''(3) ULTIMATE PURCHASER.—For purposes of this section, electricity produced by the taxpayer shall be treated as sold to an unrelated person if the ultimate purchaser of such electricity is unrelated to such taxpayer.

''(d) WAGE REQUIREMENTS.—

''(1) INCREASED CREDIT AMOUNT FOR QUALIFIED NUCLEAR POWER FACILITIES.—In the case of any qualified nuclear power facility which satisfies the requirements of paragraph (2), the amount of the credit determined under subsection (a) shall be equal to such amount multiplied by 5 (determined without regard to this sentence).

''(2) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The taxpayer shall ensure that any laborers and mechanics employed by contractors and subcontractors in the alteration or repair of a facility shall be paid wages at rates not less than the prevailing rates for alteration or repair of a similar character in the locality as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of clauses (i) through (iv) of section 45(b)(7)(B) shall apply.

''(3) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of establishing the requirements of this subsection.

''(e) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2027.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of the Internal Revenue Code of 1986 is amended—

(A) in paragraph (32), by striking ''plus'' at the end,

(B) in paragraph (33), by striking the period at the end and inserting '', plus'', and

(C) by adding at the end the following new paragraph:

''(34) the zero-emission nuclear power production credit determined under section 45W(a).''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 45W. Zero-emission nuclear power production credit.''.

(c) ELECTIVE PAYMENT OF CREDIT.—Section 6417(b), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

''(7) The zero-emission nuclear power production credit determined under section 45W.''.

(d) EFFECTIVE DATE.—This section shall apply to electricity produced and sold after December 31, 2021, in taxable years beginning after such date.

PART 2—RENEWABLE FUELS

SEC. 136201. EXTENSION OF INCENTIVES FOR BIODIESEL, RENEWABLE DIESEL AND ALTERNATIVE FUELS.

(a) BIODIESEL AND RENEWABLE DIESEL CREDIT.—Section 40A(g) is amended by striking ''December 31, 2022'' and inserting ''December 31, 2026''.

(b) BIODIESEL MIXTURE CREDIT.—

(1) IN GENERAL.—Section 6426(c)(6) is amended by striking ''December 31, 2022'' and inserting ''December 31, 2026''.

(2) FUELS NOT USED FOR TAXABLE PURPOSES.—Section 6427(e)(6)(B) is amended by striking ''December 31, 2022'' and inserting ''December 31, 2026''.

(c) ALTERNATIVE FUEL CREDIT.—Section 6426(d)(5) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2026''.

(d) ALTERNATIVE FUEL MIXTURE CREDIT.—Section 6426(e)(3) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2026''.

(e) PAYMENTS FOR ALTERNATIVE FUELS.—Section 6427(e)(6)(C) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2026''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2021.

SEC. 136202. EXTENSION OF SECOND GENERATION BIOFUEL INCENTIVES.

(a) IN GENERAL.—Section 40(b)(6)(J)(i) is amended by striking ''2022'' and inserting ''2027''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to qualified second generation biofuel production after December 31, 2021.

SEC. 136203. SUSTAINABLE AVIATION FUEL CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by inserting after section 40A the following new section:

''SEC. 40B. SUSTAINABLE AVIATION FUEL CREDIT.

''(a) IN GENERAL.—For purposes of section 38, the sustainable aviation fuel credit for the taxable year is, with respect to any sale or use of a qualified mixture which occurs during such taxable year, an amount equal to the product of—

''(1) the number of gallons of sustainable aviation fuel in such mixture, multiplied by

''(2) the sum of—

''(A) $1.25, plus

''(B) the applicable supplementary amount with respect to such sustainable aviation fuel.

''(b) APPLICABLE SUPPLEMENTARY AMOUNT.—For purposes of this section, the term 'applicable supplementary amount' means, with respect to any sustainable aviation fuel, an amount equal to $0.01 for each percentage point by which the lifecycle greehouse gas emissions reduction percentage with respect to such fuel exceeds 50 percent. In no event shall the applicable supplementary amount determined under this subsection exceed $0.50.

''(c) QUALIFIED MIXTURE.—For purposes of this section, the term 'qualified mixture' means a mixture of sustainable aviation fuel and kerosene if—

''(1) such mixture is produced by the taxpayer in the United States,

''(2) such mixture is used by the taxpayer (or sold by the taxpayer for use) in an aircraft,

''(3) such sale or use is in the ordinary course of a trade or business of the taxpayer, and

''(4) the transfer of such mixture to the fuel tank of such aircraft occurs in the United States.

''(d) SUSTAINABLE AVIATION FUEL.—For purposes of this section, the term 'sustainable aviation fuel' means liquid fuel which—

''(1) meets the requirements of—

''(A) ASTM International Standard D7566, or

''(B) the Fischer Tropsch provisions of ASTM International Standard D1655, Annex A1,

''(2) is not derived from palm fatty acid distillates or petroleum, and

''(3) has been certified in accordance with subsection (e) as having a lifecycle greenhouse gas emissions reduction percentage of at least 50 percent.

''(e) LIFECYCLE GREENHOUSE GAS EMISSIONS REDUCTION PERCENTAGE.—For purposes of this section, the term 'lifecycle greenhouse gas emissions reduction percentage' means, with respect to any sustainable aviation fuel, the percentage reduction in lifecycle greenhouse gas emissions—

''(1) as defined in accordance with—

''(A) the most recent Carbon Offsetting and Reduction Scheme for International Aviation which has been adopted by the International Civil Aviation Organization with the agreement of the United States, or

''(B) any similar methodology which satisfies the criteria under section 211(o)(1)(H) of the Clean Air Act (42 U.S.C. 7545(o)(1)(H)), and

''(2) achieved by such fuel as compared with petroleum-based jet fuel.

''(f) REGISTRATION OF SUSTAINABLE AVIATION FUEL PRODUCERS.—No credit shall be allowed under this section with respect to any sustainable aviation fuel unless the producer of such fuel is registered with the Secretary under section 4101 and has provided such other information with respect to such fuel as the Secretary may require for purposes of carrying out this section.

''(g) COORDINATION WITH CREDIT AGAINST EXCISE TAX.—The amount of the credit determined under this section with respect to any sustainable aviation fuel shall, under rules prescribed by the Secretary, be properly reduced to take into account any benefit provided with respect to such sustainable aviation fuel solely by reason of the application of section 6426 or 6427(e).

''(h) TERMINATION.—This section shall not apply to any sale or use after December 31, 2026.''.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.— Section 38(b) is amended by striking ''plus'' at the end of paragraph (33), by striking the period at the end of paragraph (34) and inserting '', plus'', and by inserting after paragraph (34) the following new paragraph:

''(35) the sustainable aviation fuel credit determined under section 40B.''.

(c) COORDINATION WITH BIODIESEL INCENTIVES.—

(1) IN GENERAL.—Section 40A(d)(1) is amended by inserting ''or 40B'' after ''determined under section 40''.

(2) CONFORMING AMENDMENT.—Section 40A(f) is amended by striking paragraph (4).

(d) SUSTAINABLE AVIATION FUEL ADDED TO CREDIT FOR ALCOHOL FUEL, BIODIESEL, AND ALTERNATIVE FUEL MIXTURES.—

(1) IN GENERAL.—Section 6426 is amended by adding at the end the following new subsection:

''(k) SUSTAINABLE AVIATION FUEL CREDIT.—

''(1) IN GENERAL.—For purposes of this section, the sustainable aviation fuel credit for the taxable year is, with respect to any sale or use of a qualified mixture, an amount equal to the product of—

''(A) the number of gallons of sustainable aviation fuel in such mixture, multiplied by

''(B) the sum of—

''(i) $1.25, plus

''(ii) the applicable supplementary amount with respect to such sustainable aviation fuel.

''(2) APPLICABLE SUPPLEMENTARY AMOUNT.—For purposes of this subsection, the term 'applicable supplementary amount' has the meaning given such term in section 40B(b).

''(3) OTHER DEFINITIONS.—Any term used in this subsection which is also used in section 40B shall have the meaning given such term by section 40B.

''(4) REGISTRATION REQUIREMENT.—For purposes of this subsection, rules similar to the rules of section 40B(f) shall apply.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 6426 is amended—

(i) in subsection (a)(1), by striking ''and (e)'' and inserting ''(e), and (k)'', and

(ii) in subsection (h), by striking ''under section 40 or 40A'' and inserting ''under section 40, 40A, or 40B''.

(B) Section 6427(e)(6) is amended by striking the ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', and'', and by adding at the end the following new subparagraph:

''(E) any qualified mixture of sustainable aviation fuel (as defined in section 6426(k)(3)) sold or used after December 31, 2026.''.

(C) Section 6427(e) is amended in the heading by striking ''OR ALTERNATIVE FUEL'' and inserting, ''ALTERNATIVE FUEL, OR SUSTAINABLE AVIATION FUEL''.

(D) Section 6427(e)(1) is amended by inserting ''or the sustainable aviation fuel mixture credit'' after ''alternative fuel mixture credit''.

(E) Section 4101(a)(1) is amended by inserting ''every person producing sustainable aviation fuel (as defined in section 40B or section 6426(k)(3)),'' before ''and every person producing second generation biofuel''.

(e) GUIDANCE.—Under rules prescribed by the Secretary of the Treasury (or the Secretary's delegate), the amount of the credit allowed under section 40B of the Internal Revenue Code of 1986 (as added by this subsection) shall be properly reduced to take into account any benefit provided with respect to sustainable aviation fuel (as defined in such section 40B) by reason of the application of section 6426 or section 6427(e).

(f) AMOUNT OF CREDIT INCLUDED IN GROSS INCOME.—Section 87 is amended by striking ''and'' in paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) the sustainable aviation fuel credit determined with respect to the taxpayer for the taxable year under section 40B(a).''.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2022.

SEC. 136204. CLEAN HYDROGEN.

(a) CREDIT FOR PRODUCTION OF CLEAN HYDROGEN.—

(1) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 45X. CREDIT FOR PRODUCTION OF CLEAN HYDROGEN.

''(a) AMOUNT OF CREDIT.—For purposes of section 38, the clean hydrogen production credit for any taxable year is an amount equal to the product of—

''(1) the applicable amount, multiplied by

''(2) the kilograms of qualified clean hydrogen produced by the taxpayer during such taxable year at a qualified clean hydrogen production facility during the 10-year period beginning on the date such facility was originally placed in service.

''(b) APPLICABLE AMOUNT.—

''(1) IN GENERAL.—For purposes of subsection (a)(1), the applicable amount shall be an amount equal to the applicable percentage of $0.60. If any amount as determined under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' shall be determined as follows:

''(A) In the case of any qualified clean hydrogen which is produced by a facility that is placed in service before January 1, 2027 through a process that results in a lifecycle greenhouse gas emissions rate of—

''(i) not greater than 6 kilograms of CO2e per kilogram of hydrogen, and

''(ii) not less than 4 kilograms of CO2e per kilogram of hydrogen,

the applicable percentage shall be 15 percent.

''(B) In the case of any qualified clean hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of—

''(i) less than 4 kilograms of CO2e per kilogram of hydrogen, and

''(ii) not less than 2.5 kilograms of CO2e per kilogram of hydrogen,

the applicable percentage shall be 20 percent.

''(C) In the case of any qualified clean hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of—

''(i) less than 2.5 kilograms of CO2e per kilogram of hydrogen, and

''(ii) not less than 1.5 kilograms of CO2e per kilogram of hydrogen,

the applicable percentage shall be 25 percent.

''(D) In the case of any qualified clean hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of—

''(i) less than 1.5 kilograms of CO2e per kilogram of hydrogen, and

''(ii) not less than 0.45 kilograms of CO2e per kilogram of hydrogen,

the applicable percentage shall be 33.4 percent.

''(E) In the case of any qualified clean hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of less than 0.45 kilograms of CO2e per kilogram of hydrogen, the applicable percentage shall be 100 percent.

''(3) INFLATION ADJUSTMENT.—The $0.60 amount in paragraph (1) shall be adjusted by multiplying such amount by the inflation adjustment factor (as determined under section 45(e)(2), determined by substituting '2020' for '1992' in subparagraph (B) thereof) for the calendar year in which the qualified clean hydrogen is produced. If any amount as increased under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

''(c) DEFINITIONS.—For purposes of this section—

''(1) LIFECYCLE GREENHOUSE GAS EMISSIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term 'lifecycle greenhouse gas emissions' has the same meaning given such term under subparagraph (H) of section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)), as in effect on the date of enactment of this section.

''(B) GREET MODEL.—The term 'lifecycle greenhouse gas emissions' shall only include emissions through the point of production (well-to-gate), as determined under the most recent Greenhouse gases, Regulated Emissions, and Energy use in Transportation model (commonly referred to as the 'GREET model') developed by Argonne National Laboratory, or a successor model (as determined by the Secretary).

''(2) QUALIFIED CLEAN HYDROGEN.—

''(A) IN GENERAL.—The term 'qualified clean hydrogen' means hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of not greater than 6 kilograms of CO2e per kilogram of hydrogen.

''(B) ADDITIONAL REQUIREMENTS.—Such term shall not include any hydrogen unless such hydrogen is produced—

''(i) in the United States (as defined in section 638(1) or a possession of the United States (as defined in section 638(2)),

''(ii) in the ordinary course of a trade or business of the taxpayer, and

''(iii) for sale or use, as verified by an unrelated third party of such production and sale or

use in such form or manner as the Secretary may prescribe under subsection (f)(2).

''(3) QUALIFIED CLEAN HYDROGEN PRODUCTION FACILITY.—

''(A) IN GENERAL.—The term 'qualified clean hydrogen production facility' means a facility owned by the taxpayer which produces qualified clean hydrogen and which meets the requirements of subparagraph (B).

''(B) TERMINATION.—The term 'qualified clean hydrogen production facility' shall not include any facility the construction of which begins after December 31, 2028.

''(d) SPECIAL RULES.—

''(1) TREATMENT OF FACILITIES OWNED BY MORE THAN 1 TAXPAYER.—Rules similar to the rules section 45(e)(3) shall apply for purposes of this section.

''(2) COORDINATION WITH CREDIT FOR CARBON OXIDE SEQUESTRATION.—No credit shall be allowed under this section with respect to any qualified clean hydrogen produced at a facility which includes carbon capture equipment for which a credit is allowed to any taxpayer under section 45Q for the taxable year or any prior taxable year.

''(e) INCREASED CREDIT AMOUNT FOR QUALIFIED CLEAN HYDROGEN PRODUCTION FACILITIES.—

''(1) IN GENERAL.—In the case of any qualified clean hydrogen production facility which satisfies the requirements of paragraph (2), the amount of the credit determined under subsection (a) with respect to qualified clean hydrogen described in subsection (b)(2) shall be equal to such amount multiplied by 5 (determined without regard to this sentence).

''(2) REQUIREMENTS.—A facility meets the requirements of this subparagraph if it is one of the following:

''(A) A facility—

''(i) the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3) and (4), and

''(ii) which meets the requirements of paragraph (3) with respect to construction, alteration, or repair of facilities which occurs after such date.

''(B) A facility which satisfies the requirements of paragraphs (3) and (4).

''(3) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified clean hydrogen production facility are that the taxpayer shall ensure that any laborers and mechanics employed by contractors and subcontractors in—

''(i) the construction of such facility, and

''(ii) for the period of the taxable year which is within the 10-year period beginning on the date the facility was originally placed in service, the alteration or repair of such facility,

shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code. For purposes of determining an increased credit amount under paragraph (1) for a taxable year, the requirement under clause (ii) of this paragraph is applied to such taxable year in which the alteration or repair of qualified facility occurs.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of clauses (i) through (iv) of section 45(b)(7)(B) shall apply.

''(4) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(5) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of establishing the requirements of this subsection.

''(f) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary shall issue regulations or other guidance to carry out the purposes of this section, including regulations or other guidance—

''(1) for determining lifecycle greenhouse gas emissions, and

''(2) which require verification by unrelated third parties of the production and sale or use of qualified clean hydrogen with respect to which credit is otherwise allowed under this section.''.

(2) ELECTIVE PAYMENT OF CREDIT.—

(A) IN GENERAL.—Section 6417(b), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

''(8) So much of the the credit for production of clean hydrogen determined under section 45X as is attributable to qualified clean hydrogen production facilities which are originally placed in service after December 31, 2011, and with respect to which an election is made under subsection (c)(3).''.

(B) ELECTION.—Section 6417(c)(3), as amended by the preceding provisions of this Act, is amended by adding at the end the following new subparagraph:

''(D) CREDIT FOR PRODUCTION OF CLEAN HYDROGEN.—In the case of the credit described in subsection (b)(8), any election under this subsection shall—

''(i) apply separately with respect to each qualified clean hydrogen production facility,

''(ii) be made for the taxable year in which the facility is placed in service (or within 90 days of date of enactment in the case of facilities placed in service before December 31, 2021),

''(iii) shall apply to such taxable year and all subsequent taxable years with respect to such facility.''.

(3) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Section 45X(d), as added by this section, is amended by adding at the end the following new paragraph:

''(3) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Rules similar to the rule under section 45(b)(3) shall apply for purposes of this section.''.

(4) CONFORMING AMENDMENTS.—

(A) Section 38(b) is amended—

(i) in paragraph (34), by striking ''plus'' at the end,

(ii) in paragraph (35), by striking the period at the end and inserting '', plus'', and

(iii) by adding at the end the following new paragraph:

''(36) the clean hydrogen production credit determined under section 45X(a).''.

(B) The table of sections for subpart D of part IV of subchapter A of chapter 1 amended by adding at the end the following new item:

''Sec. 45X. Credit for production of clean hydrogen.''.

(5) EFFECTIVE DATES.—

(A) The amendments made by paragraphs (1), (2), and (4) of this subsection shall apply to hydrogen produced after December 31, 2021.

(B) The amendment made by paragraph (3) shall apply to facilities the construction of which begins after December 31, 2021.

(b) CREDIT FOR ELECTRICITY PRODUCED FROM RENEWABLE RESOURCES ALLOWED IF ELECTRICITY IS USED TO PRODUCE CLEAN HYDROGEN.—

(1) IN GENERAL.—Section 45(e) is amended by adding at the end the following new paragraph:

''(13) SPECIAL RULE FOR ELECTRICITY USED AT A QUALIFIED CLEAN HYDROGEN PRODUCTION FACILITY.—Electricity produced by the taxpayer shall be treated as sold by such taxpayer to an unrelated person during the taxable year if such electricity is used during such taxable year by the taxpayer or a person related to the taxpayer at a qualified clean hydrogen production facility (as defined in section 45X(c)(3)) to produce qualified clean hydrogen (as defined in section 45X(c)(2)) during the 10 year period after such facility is placed in service. The Secretary shall issue such regulations or other guidance as the Secretary determines appropriate to carry out the purposes of this paragraph, including regulations or other guidance to require verification by unrelated third parties of the production and use of electricity to which this paragraph applies.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to electricity produced after December 31, 2021.

(c) ELECTION TO TREAT CLEAN HYDROGEN PRODUCTION FACILITIES AS ENERGY PROPERTY.—

(1) IN GENERAL.—Section 48(a) is amended by adding at the end the following new paragraph:

''(16) ELECTION TO TREAT CLEAN HYDROGEN PRODUCTION FACILITIES AS ENERGY PROPERTY.—

''(A) IN GENERAL.—In the case of any qualified property (as defined in paragraph (5)(D)) which is part of a specified clean hydrogen production facility—

''(i) such property shall be treated as energy property for purposes of this section, and

''(ii) the energy percentage with respect to such property is—

''(I) in the case of a facility which is designed and reasonably expected to produce qualified clean hydrogen which is described in a subparagraph (A) of section 45X(b)(2), 0.9 percent,

''(II) in the case of a facility which is designed and reasonably expected to produce qualified clean hydrogen which is described in a subparagraph (B) of such section, 1.2 percent,

''(III) in the case of a facility which is designed and reasonably expected to produce qualified clean hydrogen which is described in a subparagraph (C) of such section, 1.5 percent,

''(IV) in the case of a facility which is designed and reasonably expected to produce qualified clean hydrogen which is described in a subparagraph (D) of such section, 2 percent, and

''(V) in the case of a facility which is designed and reasonably expected to produce qualified clean hydrogen which is described in subparagraph (E) of such section, 6 percent.

''(B) DENIAL OF PRODUCTION CREDIT.—No credit shall be allowed under section 45X or section 45Q for any taxable year with respect to any specified clean hydrogen production facility or any carbon capture equipment included at such facility.

''(C) SPECIFIED CLEAN HYDROGEN PRODUCTION FACILITY.—For purposes of this paragraph, the term 'specified clean hydrogen production facility' means any qualified clean hydrogen production facility (as defined in section 45X(c)(3)) or any portion of such facility—

''(i) which is placed in service after December 31, 2021, and

''(ii) with respect to which—

''(I) no credit has been allowed under section 45X or 45Q, and

''(II) the taxpayer makes an irrevocable election to have this paragraph apply.

''(D) QUALIFIED CLEAN HYDROGEN.—For purposes of this paragraph, the term 'qualified clean hydrogen' has the meaning given such term by section 45X(c)(2).

''(E) REGULATIONS.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which—

''(i) requires verification by one or more unrelated third parties that the facility produces hydrogen which is consistent with the hydrogen that such facility was designed and expected to produce under subparagraph (A)(ii), and

''(ii) recaptures so much of any credit allowed under this section as exceeds the amount of the credit which would have been allowed if the expected production were consistent with the actual verified production (or all of the credit so allowed in the absence of such verification).''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2021 and, for any property the construction of which begins prior to January 1, 2022, only to the extent of the basis thereof attributable to the construction, reconstruction, or erection after December 31, 2021.

(d) TERMINATION OF EXCISE TAX CREDIT FOR HYDROGEN.—

(1) IN GENERAL.—Section 6426(d)(2) is amended by striking subparagraph (D) and by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively.

(2) CONFORMING AMENDMENT.—Section 6426(e)(2) is amended by striking ''(F)'' and inserting ''(E)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to fuel sold or used after December 31, 2021.

PART 3—GREEN ENERGY AND EFFICIENCY INCENTIVES FOR INDIVIDUALS

SEC. 136301. EXTENSION, INCREASE, AND MODIFICATIONS OF NONBUSINESS ENERGY PROPERTY CREDIT.

(a) EXTENSION OF CREDIT.—Section 25C(g)(2) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2031''.

(b) ALLOWANCE OF CREDIT.—Section 25C(a) is amended to read as follows:

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of the sum of—

''(1) the amount paid or incurred by the taxpayer for qualified energy efficiency improvements installed during such taxable year, and

''(2) the amount of the residential energy property expenditures paid or incurred by the taxpayer during such taxable year.''.

(c) APPLICATION OF ANNUAL LIMITATION IN LIEU OF LIFETIME LIMITATION.—Section 25C(b) is amended to read as follows:

''(b) LIMITATIONS.—

''(1) IN GENERAL.—The credit allowed under this section with respect to any taxpayer for any taxable year shall not exceed $1,200.

''(2) ENERGY PROPERTY.—The credit allowed under this subsection by reason of subsection (a)(1) with respect to any taxpayer for any taxable year shall not exceed, with respect to any item of qualified energy property, $600.

''(3) WINDOWS.—The credit allowed under this section by reason of subsection (a)(1) with respect to any taxpayer for any taxable year shall not exceed, in the aggregate with respect to all exterior windows and skylights, $600.

''(4) DOORS.—The credit allowed under this section by reason of subsection (a)(1) with respect to any taxpayer for any taxable year shall not exceed—

''(A) $250 in the case of any exterior door, and

''(B) $500 in the aggregate with respect to all exterior doors.

''(5) CERTAIN PROPERTY EXCLUDED FROM LIMITATION.—Amounts paid or incurred for property described in clause (i) or (ii) of subsection (d)(2)(A) or subsection (d)(2)(B) shall not be subject to the limitations in paragraphs (1) and (2) or factored in for purposes of calculating the limitation under such paragraph.''.

(d) MODIFICATIONS RELATED TO QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—

(1) STANDARDS FOR ENERGY EFFICIENT BUILDING ENVELOPE COMPONENTS.—Section 25C(c)(2) is amended by striking ''meets—'' and all that follows through the period at the end and inserting the following: ''meets—

''(A) in the case of an exterior window or skylight, Energy Star most efficient certification requirements

''(B) in the case of any other component, the prescriptive criteria for such component established by the most recent International Energy Conservation Code standard in effect as of the beginning of the calendar year which is 2 years prior to the calendar year in which such component is placed in service.''.

(2) ROOFS NOT TREATED AS BUILDING ENVELOPE COMPONENTS.—Section 25C(c)(3) is amended by adding ''and'' at the end of subparagraph (B), by striking '', and'' at the end of subparagraph (C) and inserting a period, and by striking subparagraph (D).

(3) AIR SEALING INSULATION ADDED TO DEFINITION OF BUILDING ENVELOPE COMPONENT.—Section 25C(c)(3)(A) is amended by striking ''material or system'' and inserting ''material or system, including air sealing material or system,''.

(e) MODIFICATION OF RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—Section 25C(d) is amended to read as follows:

''(d) RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—For purposes of this section—

''(1) IN GENERAL.—The term 'residential energy property expenditures' means expenditures made by the taxpayer for qualified energy property which is—

''(A) installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer, and

''(B) originally placed in service by the taxpayer.

Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property.

''(2) QUALIFIED ENERGY PROPERTY.—The term 'qualified energy property' means:

''(A) Any of the following which meet or exceed the highest efficiency tier (not including any advanced tier) established by the Consortium for Energy Efficiency which is in effect as of the beginning of the calendar year in which the property is placed in service:

''(i) An electric heat pump water heater.

''(ii) An electric heat pump.

''(iii) A central air conditioner.

''(iv) A natural gas, propane, or oil water heater.

''(v) A natural gas, propane, or oil furnace or hot water boiler.

''(B) A biomass stove—

''(i) which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and

''(ii) which has a thermal efficiency rating of at least 75 percent (measured by the higher heating value of the fuel).

''(C) Any oil furnace or hot water boiler which—

''(i) is placed in service after December 31, 2021 and before January 1, 2027 and meets or exceeds 2021 Energy Star efficiency criteria and is rated by the manufacturer for use with eligible fuel blends of 20 percent or more, or

''(ii) is placed in service after December 31, 2026 and achieves an annual fuel utilization efficiency rate of not less than 90 and is rated by the manufacturer for use with eligible fuel blends of 50 percent or more.

''(3) ELIGIBLE FUEL.—For purposes of paragraph (2), the term 'eligible fuel' means biodiesel and renewable diesel (within the meaning of section 40A) and second generation biofuel (within the meaning of section 40).''.

(f) HOME ENERGY AUDITS.—

(1) IN GENERAL.—Section 25C(a) is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) 30 percent of the amount paid or incurred by the taxpayer during the taxable year for home energy audits.''.

(2) LIMITATION.—Section 25C(b), as amended by subsection (c), is amended adding at the end the following new paragraph:

''(5) HOME ENERGY AUDITS.—

''(A) DOLLAR LIMITATION.—The amount of the credit allowed under this section by reason of subsection (a)(3) shall not exceed $150.

''(B) SUBSTANTIATION REQUIREMENT.—No credit shall be allowed under this section by reason of subsection (a)(3) unless the taxpayer includes with the taxpayer's return of tax such information or documentation as the Secretary may require.''.

(3) HOME ENERGY AUDITS.—

(A) IN GENERAL.—Section 25C, as amended by subsection (a), is amended by redesignating subsections (e), (f), and (g), as subsections (f), (g), and (h), respectively, and by inserting after subsection (d) the following new subsection:

''(e) HOME ENERGY AUDITS.—For purposes of this section, the term 'home energy audit' means an inspection and written report with respect to a dwelling unit located in the United States and owned or used by the taxpayer as the taxpayer's principal residence (within the meaning of section 121) which—

''(1) identifies the most significant and cost-effective energy efficiency improvements with respect to such dwelling unit, including an estimate of the energy and cost savings with respect to each such improvement, and

''(2) is conducted and prepared by a home energy auditor that meets the certification or other requirements specified by the Secretary (not later than 365 days after the date of the enactment of this subsection) in regulations or other guidance.''.

(B) CONFORMING AMENDMENT.—Section 1016(a)(33) is amended by striking ''section 25C(f)'' and inserting ''section 25C(g)''.

(4) LACK OF SUBSTANTIATION TREATED AS MATHEMATICAL OR CLERICAL ERROR.—Section 6213(g)(2) is amended—

(A) in subparagraph (P), by striking ''and'' at the end,

(B) in subparagraph (Q), by striking the period at the end and inserting '', and'', and

(C) by adding at the end the following:

''(R) an omission of correct information or documentation required under section 25C(b)(5)(B) (relating to home energy audits) to be included on a return.''.

(g) IDENTIFICATION NUMBER REQUIREMENT.—

(1) IN GENERAL.—Section 25C, as amended by subsections (a) and (f), is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) PRODUCT IDENTIFICATION NUMBER REQUIREMENT.—

''(1) IN GENERAL.—No credit shall be allowed under subsection (a) with respect to any item of specified property placed in service after December 31, 2023, unless—

''(A) such item is produced by a qualified manufacturer, and

''(B) the taxpayer includes the qualified product identification number of such item on the return of tax for the taxable year.

''(2) QUALIFIED PRODUCT IDENTIFICATION NUMBER.—For purposes of this section, the term 'qualified product identification number' means, with respect to any item of specified property, the product identification number assigned to such item by the qualified manufacturer pursuant to the methodology referred to in paragraph (3).

''(3) QUALIFIED MANUFACTURER.—For purposes of this section, the term 'qualified manufacturer' means any manufacturer of specified property which enters into an agreement with the Secretary which provides that such manufacturer will—

''(A) assign a product identification number to each item of specified property produced by such manufacturer utilizing a methodology that will ensure that such number (including any alphanumeric) is unique to each such item (by utilizing numbers or letters which are unique to such manufacturer or by such other method as the Secretary may provide),

''(B) label such item with such number in such manner as the Secretary may provide, and

''(C) make periodic written reports to the Secretary (at such times and in such manner as the Secretary may provide) of the product identification numbers so assigned and including such

information as the Secretary may require with respect to the item of specified property to which such number was so assigned.

''(4) SPECIFIED PROPERTY.—For purposes of this subsection, the term 'specified property' means any qualified energy property and any property described in subparagraph (B) or (C) of subsection (c)(3).''.

(2) OMISSION OF CORRECT PRODUCT IDENTIFICATION NUMBER TREATED AS MATHEMATICAL OR CLERICAL ERROR.—Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

(A) in subparagraph (Q), by striking ''and'' at the end,

(B) in subparagraph (R), by striking the period at the end and inserting '', and'', and

(C) by adding at the end the following:

''(S) an omission of a correct product identification number required under section 25C(h) (relating to credit for nonbusiness energy property) to be included on a return.''.

(h) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided by this subsection, the amendments made by this section shall apply to property placed in service after December 31, 2021.

(2) HOME ENERGY AUDITS.—The amendments made by subsection (f) shall apply to amounts paid or incurred after December 31, 2021.

(3) IDENTIFICATION NUMBER REQUIREMENT.—The amendments made subsection (g) shall apply to property placed in service after December 31, 2023.

SEC. 136302. RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) EXTENSION OF CREDIT.—

(1) IN GENERAL.—Section 25D(h) is amended by striking ''December 31, 2023'' and inserting ''December 31, 2033''.

(2) APPLICATION OF PHASEOUT.—Section 25D(g) is amended—

(A) by striking ''before January 1, 2023'' in paragraph (2) and inserting ''before January 1, 2022'',

(B) by striking ''and'' at the end of paragraph (2),

(C) by redesignating paragraph (3) as paragraph (5) and by inserting after paragraph (2) the following new paragraphs:

''(3) in the case of property placed in service after December 31, 2021, and before January 1, 2032, 30 percent,

''(4) in the case of property placed in service after December 31, 2031, and before January 1, 2033, 26 percent, and'', and

(D) by striking ''December 31, 2022, and before January 1, 2024'' in paragraph (5) (as so redesignated) and inserting ''December 31, 2032, and before January 1, 2034''.

(b) RESIDENTIAL ENERGY EFFICIENT PROPERTY CREDIT FOR BATTERY STORAGE TECHNOLOGY.—

(1) IN GENERAL.—Section 25D(a) is amended by striking ''and'' at the end of paragraph (5) and by inserting after paragraph (6) the following new paragraph:

''(7) the qualified battery storage technology expenditures,''.

(2) QUALIFIED BATTERY STORAGE TECHNOLOGY EXPENDITURE.—Section 25D(d) is amended by adding at the end the following new paragraph:

''(7) QUALIFIED BATTERY STORAGE TECHNOLOGY EXPENDITURE.—The term 'qualified battery storage technology expenditure' means an expenditure for battery storage technology which—

''(A) is installed in connection with a dwelling unit located in the United States and used as a residence by the taxpayer, and

''(B) has a capacity of not less than 3 kilowatt hours.''.

(c) CREDIT MADE REFUNDABLE; INSTALLER REQUIREMENTS; TREATMENT OF CERTAIN POSSESSIONS.—Section 25D is amended by redesignating subsection (h) as subsection (k) and by inserting after subsection (g) the following new subsections:

''(h) CREDIT MADE REFUNDABLE FOR TAXABLE YEARS AFTER 2023.—In the case of any taxable year beginning after December 31, 2023, the credit allowed under subsection (a) (excluding any credit carried forward from a previous taxable year) shall be treated as a credit allowed under subpart C (and not allowed under this subpart).

''(i) REQUIREMENT FOR QUALIFIED INSTALLER.—

''(1) IN GENERAL.—No credit shall be allowed under this section with respect to any property described in subsection (a) placed in service after December 31, 2023 unless—

''(A) such property is installed by a qualified installer, and

''(B) the taxpayer includes the qualified installation identification number described in paragraph (3) on the return of tax for the taxable year.

''(2) QUALIFIED INSTALLER.—

''(A) IN GENERAL.—For purposes of this section, the term 'qualified installer' means an installer who enters into an agreement with the Secretary which provides that such installer will, with respect to expenditures described in subsection (a) in connection with the residence of a taxpayer—

''(i) provide the taxpayer with a qualified installation identification number and a written receipt of the purchase and installation of such property in a manner prescribed by the Secretary, and

''(ii) make periodic written reports to the Secretary (in such manner as the Secretary may provide) of installation identification numbers assigned by the installer corresponding to such expenditures, including such information as the Secretary may require with respect to such expenditures.

''(B) INSTALLER DEEMED TO MEET REQUIREMENT.—For purposes of subparagraph (A), to the extent provided by the Secretary, an installer may be deemed to meet the requirement under clause (ii) of such subparagraph on the basis of information available to the Secretary which the Secretary determines is reasonably reliable for purposes of determining the amount of qualified expenditures under subsection (a) made by a taxpayer in connection with a residence of such taxpayer.

''(3) QUALIFIED INSTALLATION IDENTIFICATION NUMBER.—For purposes of this section, the term 'qualified installation identification number' means a unique identification number with respect to expenditures described in subsection (a) in connection with a residence of a taxpayer that is installed by a qualified installer.

''(4) REGISTRATION.—The Secretary may require such information or registration of a qualified installer as the Secretary deems necessary or appropriate for purposes of preventing duplication, fraud, or improper claims with respect to property described in subsection (a). Under regulations or other guidance prescribed by the Secretary, the registration of any person under this section may be denied, revoked, or suspended if the Secretary determines that such denial, revocation, or suspension is necessary to prevent duplication, fraud, or improper claims with respect to property described in subsection (a).

''(j) TREATMENT OF CERTAIN POSSESSIONS.—

''(1) PAYMENTS TO POSSESSIONS WITH MIRROR CODE TAX SYSTEMS.—The Secretary shall pay to each possession of the United States which has a mirror code tax system amounts equal to the loss (if any) to that possession by reason of the application of the provisions of this section. Such amounts shall be determined by the Secretary based on information provided by the government of the respective possession.

''(2) PAYMENTS TO OTHER POSSESSIONS.—The Secretary shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary as being equal to the aggregate benefits (if any) that would have been provided to residents of such possession by reason of the provisions of this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply unless the respective possession has a plan which has been approved by the Secretary under which such possession will promptly distribute such payments to its residents.

''(3) MIRROR CODE TAX SYSTEM; TREATMENT OF PAYMENTS.—Rules similar to the rules of paragraphs (3), (4), and (5) of section 21(h) shall apply for purposes of this section.''.

(d) CERTAIN EXPENDITURES DISALLOWED.—Section 25D is amended—

(1) in subsection (a), by adding ''and'' at the end of paragraph (4), by striking the comma at the end of paragraph (5) and inserting a period, and by striking paragraph (6), and

(2) in subsection (d), by striking paragraph (6).

(e) CARRYFORWARD OF UNUSED CREDIT DISALLOWED.—Section 25D is amended by striking subsection (c).

(f) CONFORMING AMENDMENT.—Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

(1) in subparagraph (T), by striking ''and'' at the end,

(2) in subparagraph (U), by striking the period at the end and inserting '', and'', and

(3) by adding at the end the following:

''(V) an omission of a correct qualified installation identification number required under section 25D (relating to credit for residential energy efficient property) to be included on a return.''.

(g) EFFECTIVE DATES.—

(1) The amendments made by subsections (a), (b), (d), and (f) shall apply to expenditures made after December 31, 2021.

(2) The amendments made by subsections (c) and (e) shall apply to expenditures made after December 31, 2022.

SEC. 136303. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(a) PLACED IN SERVICE REQUIREMENT.—Section 179D(c)(2) is amended to read as follows:

''(2) REFERENCE STANDARD 90.1.—The term 'Reference Standard 90.1' means, with respect to any property, the more recent of—

''(A) Standard 90.1-2007 published by the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America, or

''(B) the most recent Standard 90.1 published by the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America for which the Department of Energy has issued a final determination and which has been affirmed by the Secretary for purposes of this section not later than the date that is 4 years before the date such property is placed in service.''.

(b) TEMPORARY INCREASE IN DEDUCTION, ETC..—Section 179D is amended by adding at the end the following:

''(i) TEMPORARY RULES.—

''(1) PERIOD OF APPLICATION.—The provisions of this subsection shall apply only to taxable years beginning after December 31, 2021, and before January 1, 2032.

''(2) MODIFICATION OF EFFICIENCY STANDARD.—Subsection (c)(1)(D) shall be applied by substituting '25' for '50'.

''(3) MAXIMUM AMOUNT OF DEDUCTION.—

''(A) IN GENERAL.—The deduction under subsection (a) with respect to any building for any taxable year shall not exceed the excess (if any) of—

''(i) the product of—

''(I) the applicable dollar value, and

''(II) the square footage of the building, over

''(ii) the aggregate amount of the deductions under subsection (a) and paragraph (6) with respect to the building for the 3 taxable years immediately preceding such taxable year (or, in the case of any such deduction allowable to a person other than the taxpayer, for any taxable year ending during the 4-taxable-year period ending with such taxable year).

''(B) APPLICABLE DOLLAR VALUE.—For purposes of paragraph (3)(A)(i), the applicable dollar value shall be an amount equal to $0.50 increased (but not above $1.00) by $0.02 for each percentage point by which the total annual energy and power costs for the building are certified to be reduced by a percentage greater than 25 percent.

''(C) APPLICATION OF INFLATION ADJUSTMENT.—Subsection (g) shall be applied—

''(i) by substituting '2022' for '2020',

''(ii) by substituting 'subsection (i)(3)(B)' for 'subsection (b) or subsection (d)(1)(A)', and

''(iii) by substituting '2021' for '2019'.

''(D) LIMITATION TO APPLY IN LIEU OF CURRENT LIMITATION AND PARTIAL ALLOWANCE.—Subsections (b) and (d)(1) shall not apply.

''(4) INCREASED CREDIT AMOUNT FOR CERTAIN PROPERTY.—

''(A) IN GENERAL.—In the case of any property which satisfies the requirements of subparagraph (B), paragraph (3)(B) shall be applied by substituting '$2.50' for '$0.50', '$.10' for '$.02', and '$5.00' for '$1.00'.

''(B) PROJECT REQUIREMENTS.—A project meets the requirements of this subparagraph if it is one of the following:

''(i) A building or qualified retrofit plan the construction of which begins prior to 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (5) and (6).

''(ii) A building or qualified retrofit plan the construction of which satisfies the requirements of paragraphs (5) and (6).

''(5) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any project are that the taxpayer shall ensure that any laborers and mechanics employed by contractors and subcontractors in the construction of any property or with respect to building modifications made as part of a qualified retrofit plan shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of clauses (i) through (iv) of section 45(b)(7)(B) shall apply.

''(6) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(7) ALLOCATION OF DEDUCTION BY CERTAIN TAX-EXEMPT ENTITIES.—

''(A) IN GENERAL.—A specified tax-exempt entity shall be treated in the same manner as a Federal, State, or local government for purposes of applying subsection (d)(4).

''(B) SPECIFIED TAX-EXEMPT ENTITY.—For purposes of this paragraph, the term 'specified tax-exempt entity' means—

''(i) the United States, any State or political subdivision thereof, any possession of the United States, or any agency or instrumentality of any of the foregoing,

''(ii) an Indian tribal government (as defined in section 48(e)(4)(F)(ii)) or Alaska Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)), and

''(iii) any organization exempt from tax imposed by this chapter.

''(8) ALTERNATIVE DEDUCTION FOR ENERGY EFFICIENT RETROFIT BUILDING PROPERTY.—

''(A) IN GENERAL.—In the case of a taxpayer which elects (at such time and in such manner as the Secretary may provide) the application of this paragraph with respect to any qualified building, there shall be allowed as a deduction for the taxable year which includes the date of the qualifying final certification with respect to the qualified retrofit plan of such building, an amount equal to the lesser of—

''(i) the excess described in paragraph (3) (determined by substituting 'energy usage intensity' for 'total annual energy and power costs' in subparagraph (B) thereof), or

''(ii) the aggregate adjusted basis (determined after taking into account all adjustments with respect to such taxable year other than the reduction under subsection (e)) of energy efficient retrofit building property placed in service by the taxpayer pursuant to such qualified retrofit plan.

''(B) QUALIFIED RETROFIT PLAN.—For purposes of this paragraph, the term 'qualified retrofit plan' means a written plan prepared by a qualified professional which specifies modifications to a building which, in the aggregate, are expected to reduce such building's energy usage intensity by 25 percent or more in comparison to the baseline energy usage intensity of such building. Such plan shall provide for a qualified professional to—

''(i) as of any date during the 1-year period ending on the date of the first certification described in clause (ii), certify the energy usage intensity of such building as of such date,

''(ii) certify the status of property installed pursuant to such plan as meeting the requirements of clauses (ii) and (iii) subparagraph (C), and

''(iii) as of any date that is more than 1 year after completion of the plan, certify the energy usage intensity of such building as of such date.

''(C) ENERGY EFFICIENT RETROFIT BUILDING PROPERTY.—For purposes of this paragraph, the term 'energy efficient retrofit building property' means property—

''(i) with respect to which depreciation (or amortization in lieu of depreciation) is allowable,

''(ii) which is installed on or in any qualified building,

''(iii) which is installed as part of—

''(I) the interior lighting systems,

''(II) the heating, cooling, ventilation, and hot water systems, or

''(III) the building envelope, and

''(iv) which is certified in accordance with subparagraph (B)(ii) as meeting the requirements of clauses (ii) and (iii).

''(D) QUALIFIED BUILDING.—For purposes of this paragraph, the term 'qualified building' means any building which—

''(i) is located in the United States, and

''(ii) was originally placed in service not less than 5 years before the establishment of the qualified retrofit plan with respect to such building.

''(E) QUALIFYING FINAL CERTIFICATION.—For purposes of this paragraph, the term 'qualifying final certification' means, with respect to any qualified retrofit plan, the certification described in subparagraph (B)(iii) if the energy usage intensity certified in such certification is not more than 75 percent of the baseline energy usage intensity of the building.

''(F) BASELINE ENERGY USAGE INTENSITY.—

''(i) IN GENERAL.—The term 'baseline energy usage intensity' means the energy usage intensity certified under subparagraph (B)(i), as adjusted to take into account weather as compared to the energy usage intensity determined under subparagraph (B)(iii).

''(ii) DETERMINATION OF ADJUSTMENT.—For purposes of clause (i), the adjustments described in such clause shall be determined in such manner as the Secretary may provide.

''(G) OTHER DEFINITIONS.—For purposes of this paragraph—

''(i) ENERGY USAGE INTENSITY.—The term 'energy usage intensity' means the annualized, measured site energy usage intensity determined in accordance with such regulations or other guidance as the Secretary may provide and measured in British thermal units.

''(ii) QUALIFIED PROFESSIONAL.—The term 'qualified professional' means an individual who is a licensed architect or a licenced engineer and meets such other requirements as the Secretary may provide.

''(H) COORDINATION WITH DEDUCTION OTHERWISE ALLOWED UNDER SUBSECTION (a).—

''(i) IN GENERAL.—In the case of any building with respect to which an election is made under subparagraph (A), the term 'energy efficient commercial building property' shall not include any energy efficient retrofit building property with respect to which a deduction is allowable under this paragraph.

''(ii) CERTAIN RULES NOT APPLICABLE.—

''(I) IN GENERAL.—Except as provided in subclause (II), subsection (d) shall not apply for purposes of this paragraph.

''(II) ALLOCATION OF DEDUCTION BY CERTAIN TAX-EXEMPT ENTITIES.—Rules similar to subsection (d)(4) (determined after application of paragraph (5)) shall apply for purposes of this paragraph.''.

(c) APPLICATION TO REAL ESTATE INVESTMENT TRUST EARNINGS AND PROFITS.—Section 312(k)(3)(B) is amended—

(1) by striking ''for purposes of computing the earnings and profits of a corporation'' and inserting the following:

''(i) IN GENERAL.—For purposes of computing the earnings and profits of a corporation, except as provided in clause (ii)'', and

(2) by adding at the end the following new clause:

''(ii) SPECIAL RULE.—In the case of a corporation that is a real estate investment trust, any amount deductible under section 179D shall be allowed in the year in which the property giving rise to such deduction is placed in service.''.

(d) CONFORMING AMENDMENT.—Section 179D(d)(2) is amended by striking ''not later than the date that is 2 years before the date that construction of such property begins'' and inserting ''not later than the date that is 4 years before the date such property is placed in service''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendment made by this section shall apply to taxable years beginning after December 31, 2021.

(2) ALTERNATIVE DEDUCTION FOR ENERGY EFFICIENT RETROFIT BUILDING PROPERTY.—Paragraph (8) of section 179D(i) of the Internal Revenue Code of 1986 (as added by this section), and any other provision of such section solely for purposes of applying such paragraph, shall apply to property placed in service after December 31, 2021 (in taxable years ending after such date) if such property is placed in service pursuant to qualified retrofit plan (within the meaning of such section) established after such date.

SEC. 136304. EXTENSION, INCREASE, AND MODIFICATIONS OF NEW ENERGY EFFICIENT HOME CREDIT.

(a) EXTENSION OF CREDIT.—Section 45L(g) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2031''.

(b) INCREASE IN CREDIT AMOUNTS.—Section 45L(a)(2) is amended to read as follows:

''(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount is an amount equal to—

''(A) in the case of a dwelling unit which is eligible to participate in the Energy Star Residential New Construction Program or the Energy Star Manufactured New Homes program—

''(i) that is described in subsection (c)(1)(A) (and not described in subsection (c)(1)(B)), $2,500, and

''(ii) that is described in subsection (c)(1)(B), $5000, and

''(B) in the case of a dwelling unit which is part of a building eligible to participate in the Energy Star Multifamily New Construction Program—

''(i) that is described in subsection (c)(1)(A) (and not described in subsection (c)(1)(B)), $500, and

''(ii) that is described in subsection (c)(1)(B), $1000.''.

(c) MODIFICATION OF ENERGY SAVING REQUIREMENTS.—Section 45L(c) is amended to read as follows:

''(c) ENERGY SAVING REQUIREMENTS.—

''(1) IN GENERAL.—A dwelling unit meets the energy saving requirements of this subsection if—

''(A) such dwelling unit meets the requirements of paragraph (2) or (3) (whichever is applicable), or

''(B) such dwelling unit is certified as a zero energy ready home under the zero energy ready home program of the Department of Energy (or any successor program determined by the Secretary) as in effect on January 1, 2022.

''(2) SINGLE-FAMILY HOME REQUIREMENTS.—A dwelling unit meets the requirements of this paragraph if—

''(A) such dwelling unit meets—

''(i) in the case of a dwelling unit acquired before January 1, 2025, the Energy Star Single-Family New Homes National Program Requirements 3.1, and

''(ii) in the case of a dwelling unit acquired after December 31, 2024, the Energy Star Single-Family New Homes National Program Requirements 3.2,

''(B) such dwelling unit meets the most recent Energy Star Single-Family New Homes Program Requirements applicable to the location of such dwelling unit (as in effect on the latter of January 1, 2022 or January 1 of two calendar years prior to the date the dwelling unit was acquired), or

''(C) such dwelling unit meets the most recent Energy Star Manufactured Home National program requirements as in effect on the latter of January 1, 2022 or January 1 of two calendar years prior to the date such dwelling unit is acquired.

''(3) MULTI-FAMILY HOME REQUIREMENTS.—A dwelling unit meets the requirements of this paragraph if—

''(A) such dwelling unit meets the most recent Energy Star Multifamily New Construction National Program Requirements (as in effect on either January 1, 2022 or January 1 of three calendar years prior to the date the dwelling was acquired, whichever is later), and

''(B) such dwelling unit meets the most recent Energy Star Multifamily New Construction Regional Program Requirements applicable to the location of such dwelling unit (as in effect on either January 1, 2022 or January 1 of three calendar years prior to the date the dwelling was acquired, whichever is later).''.

(d) PREVAILING WAGE REQUIREMENT.—Section 45L is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) PREVAILING WAGE REQUIREMENT.—

''(1) IN GENERAL.—In the case of a qualifying residence described in subsection (b)(2)(B) meeting the prevailing wage requirements of paragraph (2), the credit amount allowed with respect to such residence shall be—

''(A) $2,500 in the case of a residence described in subparagraph (A) of subsection (c)(1) (and not described in subparagraph (B) of such subsection), and

''(B) $5,000 in the case of a residence described in (c)(1)(B).

''(2) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this paragraph with respect to any qualified residence are that the taxpayer shall ensure that any laborers and mechanics employed by contractors and subcontractors in the construction of such residence shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of clauses (i) through (iv) of section 45(b)(7)(B) shall apply.

''(3) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of establishing the requirements of this subsection.''.

(e) EFFECTIVE DATES.—The amendments made by this section shall apply to dwelling units acquired after December 31, 2021.

SEC. 136305. MODIFICATIONS TO INCOME EXCLUSION FOR CONSERVATION SUBSIDIES.

(a) IN GENERAL.—Section 136(a) is amended—

(1) by striking ''any subsidy provided'' and inserting ''any subsidy—

''(1) provided'',

(2) by striking the period at the end and inserting a comma, and

(3) by adding at the end the following new paragraphs:

''(2) provided (directly or indirectly) by a public utility to a customer, or by a State or local government to a resident of such State or locality, for the purchase or installation of any water conservation or efficiency measure,

''(3) provided (directly or indirectly) by a storm water management provider to a customer, or by a State or local government to a resident of such State or locality, for the purchase or installation of any storm water management measure, or

''(4) provided (directly or indirectly) by a State or local government to a resident of such State or locality for the purchase or installation of any wastewater management measure, but only if such measure is with respect to the taxpayer's principal residence.''.

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION OF WATER CONSERVATION OR EFFICIENCY MEASURE AND STORM WATER MANAGEMENT MEASURE.—Section 136(c) is amended—

(A) by striking ''ENERGY CONSERVATION MEASURE'' in the heading thereof and inserting ''DEFINITIONS'',

(B) by striking ''IN GENERAL'' in the heading of paragraph (1) and inserting ''ENERGY CONSERVATION MEASURE'', and

(C) by redesignating paragraph (2) as paragraph (5) and by inserting after paragraph (1) the following:

''(2) WATER CONSERVATION OR EFFICIENCY MEASURE.—For purposes of this section, the term 'water conservation or efficiency measure' means any evaluation of water use, or any installation or modification of property, the primary purpose of which is to reduce consumption of water or to improve the management of water demand with respect to one or more dwelling units.

''(3) STORM WATER MANAGEMENT MEASURE.—For purposes of this section, the term 'storm water management measure' means any installation or modification of property primarily designed to reduce or manage amounts of storm water with respect to one or more dwelling units.

''(4) WASTEWATER MANAGEMENT MEASURE.—For purposes of this section, the term 'wastewater management measure' means any installation or modification of property primarily designed to manage wastewater (including septic tanks and cesspools) with respect to one or more dwelling units.''.

(2) DEFINITION OF PUBLIC UTILITY.—Section 136(c)(5) (as redesignated by paragraph (1)(C)) is amended by striking subparagraph (B) and inserting the following:

''(B) PUBLIC UTILITY.—The term 'public utility' means a person engaged in the sale of electricity, natural gas, or water to residential, commercial, or industrial customers for use by such customers.

''(C) STORM WATER MANAGEMENT PROVIDER.—The term 'storm water management provider' means a person engaged in the provision of storm water management measures to the public.

''(D) PERSON.—For purposes of subparagraphs (B) and (C), the term 'person' includes the Federal Government, a State or local government or any political subdivision thereof, or any instrumentality of any of the foregoing.''.

(3) CLERICAL AMENDMENTS.—

(A) The heading for section 136 is amended—

(i) by inserting ''**AND WATER**'' after ''**ENERGY**'', and

(ii) by striking ''**PROVIDED BY PUBLIC UTILITIES**''.

(B) The item relating to section 136 in the table of sections of part III of subchapter B of chapter 1 is amended—

(i) by inserting ''and water'' after ''energy'', and

(ii) by striking ''provided by public utilities''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 2018.

(d) NO INFERENCE.—Nothing in this Act or the amendments made by this Act shall be construed to create any inference with respect to the proper tax treatment of any subsidy received directly or indirectly from a public utility, a storm water management provider, or a State or local government for any water conservation measure or storm water management measure before January 1, 2019.

SEC. 136306. CREDIT FOR QUALIFIED WILDFIRE MITIGATION EXPENDITURES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 is amended by inserting after section 27 the following new section:

''SEC. 28. QUALIFIED WILDFIRE MITIGATION EXPENDITURES.

''(a) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of the qualified wildfire mitigation expenditures paid or incurred by the taxpayer during such taxable year with respect to real property owned or leased by the taxpayer.

''(b) QUALIFIED WILDFIRE MITIGATION EXPENDITURES.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified wildfire mitigation expenditures' means any specified wildfire mitigation expenditure made pursuant to a qualified State wildfire mitigation program of a State which requires expenditures for wildfire mitigation to be paid both by the taxpayer and such State. Such term shall not include any item of expenditure unless the ratio of the State's expenditure for such item to the sum of the State's and taxpayer's expenditures for such item is not less than 25 percent.

''(2) SPECIFIED WILDFIRE MITIGATION EXPENDITURE.—The term 'specified wildfire mitigation expenditure' means, with respect to any real property owned or leased by the taxpayer, any amount paid or incurred to reduce the risk of wildfire by removing accumulations of vegetation (including establishing, expanding, or maintaining fuel breaks to serve as fire breaks) on such real property.

''(3) QUALIFIED STATE WILDFIRE MITIGATION PROGRAM.—The term 'qualified State wildfire mitigation program' means any program of a State the primary purpose of which is to mitigate the risk of wildfires in such State.

''(4) TREATMENT OF REIMBURSEMENTS.—Any amount originally paid or incurred by the taxpayer which is reimbursed by a State under a qualified wildfire mitigation program of such State shall be treated as paid by such State (and not by such taxpayer).

''(c) APPLICATION WITH OTHER CREDITS.—

''(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to expenditures made in the ordinary course of the taxpayer's trade or business (or, in the case of expenditures made by a State, would have been expenditures made in the ordinary course of the taxpayer's trade or business if made by the taxpayer) shall be treated as a credit listed in section 38(b) for taxable year (and not allowed under subsection (a)).

''(2) PERSONAL CREDIT.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

''(d) REDUCTION OF CREDIT PERCENTAGE WHERE TAXPAYER EXPENDITURES LESS THAN 30 PERCENT.—

''(1) IN GENERAL.—If the expenditure percentage with respect to any item of qualified wildfire mitigation expenditure is less than 30 percent, subsection (a) shall be applied by substituting 'the expenditure percentage' for '30 percent' with respect to such item of expenditure.

''(2) EXPENDITURE PERCENTAGE.—For purposes of this section, the term 'expenditure percentage' means, with respect to any item of qualified wildfire mitigation expenditure any portion of which is paid or incurred by a State, the ratio (expressed as a percentage) of—

''(A) the taxpayer's expenditure for such item, divided by

''(B) the sum of the taxpayer's and such State's expenditures for such item.

''(e) SPECIAL RULES.—

''(1) TREATMENT OF EXPENDITURES RELATED TO MARKETABLE TIMBER.—An expenditure shall not be taken into account for purposes of this section (whether made by the taxpayer or a State pursuant to a qualified State wildfire mitigation program of such State) if such expenditure is properly allocable to timber which is sold or exchanged by the taxpayer. The preceding sentence shall not apply to the extent that such amount exceeds the gain on such sale or exchange.

''(2) BASIS REDUCTION.—For purposes of this subtitle, if the basis of any property would (but for this paragraph) be determined by taking into account any qualified wildfire mitigation expenditure, the basis of such property shall be reduced by the amount of the credit allowed under subsection (a) with respect to such expenditure (determined without regard to subsection (c)).

''(3) DENIAL OF DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter for any expenditure for which a credit is allowable under subsection (a) shall be reduced by the amount of credit allowed under such subsection for such expenditure (determined without regard to subsection (c)).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b), as amended by the preceding provisions of this Act, is amended by striking ''plus'' at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting '', plus'', and by adding at the end the following new paragraph:

''(37) the portion of the qualified wildfire mitigation expenditures credit to which section 28(c)(1) applies.''.

(2) Section 1016(a) is amended by redesignating paragraphs (35) through (38) as paragraphs (36) through (39), respectively, and by inserting after paragraph (34) the following new paragraph:

''(35) to the extent provided in section 28(e)(2),''.

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 27 the following new item:

''Sec. 28. Qualified wildfire mitigation expenditures.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred after the date of the enactment of this Act, in taxable years ending after such date.

PART 4—GREENING THE FLEET AND ALTERNATIVE VEHICLES

SEC. 136401. REFUNDABLE NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE CREDIT FOR INDIVIDUALS.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 is amended by inserting after section 36B the following new section:

''SEC. 36C. NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the credit amount determined under subsection (b) with respect to a new qualified plug-in electric drive motor vehicle placed in service by the taxpayer during the taxable year.

''(b) CREDIT AMOUNT.—

''(1) IN GENERAL.—The amount determined under this subsection with respect to any new qualified plug-in electric drive motor vehicle is the sum of the amounts determined under paragraphs (2) through (5) with respect to such vehicle (not to exceed 50 percent of the purchase price of such vehicle).

''(2) BASE AMOUNT.—The amount determined under this paragraph is $4,000.

''(3) BATTERY CAPACITY.—In the case of a new qualified plug-in electric drive motor vehicle, the amount determined under this paragraph is $3,500 if—

''(A) in the case of a vehicle placed in service before January 1, 2027, such vehicle draws propulsion energy from a battery with not less than 40 kilowatt hours of capacity and has a gasoline tank capacity not greater than 2.5 gallons, and

''(B) in the case of a vehicle placed in service after December 31, 2026, such vehicle draws propulsion energy from a battery with not less than 50 kilowatt hours of capacity and has a gasoline tank capacity not greater than 2.5 gallons.

''(4) DOMESTIC ASSEMBLY.—In the case of a new qualified plug-in electric drive motor vehicle which satisfies the domestic assembly qualifications, the amount determined under this paragraph is $4,500.

''(5) DOMESTIC CONTENT.—In the case of a new qualified plug-in electric drive motor vehicle which satisfies domestic content qualifications, the amount determined under this paragraph is $500.

''(c) VEHICLE LIMITATION.—The number of new qualified plug-in electric drive motor vehicles taken in account under subsection (a) shall not exceed 1 per taxpayer per taxable year.

''(d) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(1) IN GENERAL.—The amount of the credit allowable under subsection (a) for any taxable year shall be reduced (but not below zero) by $200 for each $1,000 (or fraction thereof) by which—

''(A) the lesser of—

''(i) the taxpayer's modified adjusted gross income for such taxable year, or

''(ii) the taxpayer's modified adjusted gross income for the preceding taxable year, exceeds

''(B) the threshold amount.

For purposes of the preceding sentence, the term 'modified adjusted gross income' means adjusted gross income increased by any amount excluded from gross income under section 911, 931, or 933.

''(2) THRESHOLD AMOUNT.—For purposes of paragraph (1), the term 'threshold amount' means—

''(A) $500,000 in the case of a joint return or surviving spouse (half such amount in the case of a married individual filing a separate return),

''(B) $375,000 in the case of a head of household, and

''(C) $250,000 in any other case.

''(e) MANUFACTURER'S SUGGESTED RETAIL PRICE LIMITATION.—

''(1) IN GENERAL.—No credit shall be allowed under subsection (a) for a vehicle with a manufacturer's suggested retail price in excess of the applicable limitation.

''(2) APPLICABLE LIMITATION.—For purposes of paragraph (1), the applicable limitation for each vehicle classification is as follows:

''(A) VANS.—In the case of a van, $80,000.

''(B) SPORT UTILITY VEHICLES.—In the case of a sport utility vehicle, $80,000.

''(C) PICKUP TRUCKS.—In the case of a pickup truck, $80,000.

''(D) OTHER.—In the case of any other vehicle, $55,000.

''(3) REGULATIONS AND GUIDANCE.—For purposes of this subsection, the Secretary shall prescribe such regulations or other guidance as the Secretary determines necessary or appropriate for determining vehicle classifications using criteria similar to that employed by the Environmental Protection Agency and the Department of the Energy to determine size and class of vehicles.''

''(f) NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—For purposes of this section—

''(1) IN GENERAL.—The term 'new qualified plug-in electric drive motor vehicle' means a motor vehicle—

''(A) the original use of which commences with the taxpayer,

''(B) which is acquired for use by the taxpayer and not for resale,

''(C) which is made by a qualified manufacturer,

''(D) which is treated as a motor vehicle for purposes of title II of the Clean Air Act,

''(E) which has a gross vehicle weight rating of less than 14,000 pounds,

''(F) which is propelled to a significant extent by an electric motor which draws electricity from a battery which—

''(i) has a capacity of not less than 10 kilowatt hours, and

''(ii) is capable of being recharged from an external source of electricity,

''(G) with respect to which, in the case of a vehicle placed in service after December 31, 2026, final assembly is within the United States,

''(H) is not of a character subject to an allowance for depreciation, and

''(I) for which the person who sells or leases any new qualified plug-in electric drive motor vehicle to the taxpayer furnishes a report to the taxpayer and to the Secretary, at such time and in such manner as the Secretary shall provide, containing—

''(i) the name and taxpayer identification number of the taxpayer,

''(ii) the vehicle identification number of the vehicle, unless, in accordance with any applicable rules promulgated by the Secretary of Transportation, the vehicle is not assigned such a number,

''(iii) the battery capacity of the vehicle,

''(iv) in the case of any new qualified plug-in electric drive motor vehicle, verification that original use of the vehicle commences with the taxpayer,

''(v) the maximum credit under this section allowable to the taxpayer with respect to the vehicle, and

''(vi) in the case of a taxpayer who makes an election under subsection (k)(1)—

''(I) the modified adjusted gross income of such taxpayer in the previous taxable year, as described in subsection (k)(6)(A), and

''(II) any amount described in subsection (k)(2)(C) which has been provided to such taxpayer.

''(2) MOTOR VEHICLE.—The term 'motor vehicle' means any vehicle which is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails) and which has at least 4 wheels.

''(3) QUALIFIED MANUFACTURER.—The term 'qualified manufacturer' means any manufacturer (within the meaning of the regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.)) which enters into a written agreement with the Secretary under which such manufacturer agrees—

''(A) to ensure that each vehicle manufactured by such manufacturer after the later of the date on which such agreement takes effect or December 31, 2021, and that meets the requirements of subsection (d), subparagraphs (D), (E), and (F) of paragraph (1), and paragraph (6) of subsection (f) is labeled with a unique vehicle identification number, and

''(B) to make periodic written reports to the Secretary (at such times and in such manner as the Secretary may provide) providing such vehicle identification numbers and such other information related to such vehicle as the Secretary may require.

''(4) BATTERY CAPACITY.—The term 'capacity' means, with respect to any battery, the quantity of electricity which the battery is capable of storing, expressed in kilowatt hours, as measured from a 100 percent state of charge to a 0 percent state of charge.

''(g) SPECIAL RULES.—

''(1) BASIS REDUCTION.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.

''(2) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter for a vehicle for which a credit is allowable under subsection (a) shall be reduced by the amount of credit allowed under such subsection for such vehicle.

''(3) PROPERTY USED OUTSIDE UNITED STATES NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1).

''(4) RECAPTURE.—The Secretary shall, by regulations or other guidance, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

''(5) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

''(6) INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—A vehicle shall not be considered eligible for a credit under this section unless such vehicle is in compliance with—

''(A) the applicable provisions of the Clean Air Act for the applicable make and model year of the vehicle (or applicable air quality provisions of State law in the case of a State which has adopted such provision under a waiver under section 209(b) of the Clean Air Act), and

''(B) the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.

''(h) CREDIT ALLOWED FOR 2 AND 3-WHEELED PLUG-IN ELECTRIC VEHICLES.—

''(1) IN GENERAL.—In the case of a qualified 2- or 3-wheeled plug-in electric vehicle—

''(A) there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the sum of the applicable amount with respect to each such qualified 2- or 3-wheeled plug-in electric vehicle placed in service by the taxpayer during the taxable year, and

''(B) the amount of the credit allowed under subparagraph (A) shall be treated as a credit allowed under subsection (a).

''(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount is an amount equal to the lesser of—

''(A) 30 percent of the cost of the qualified 2- or 3-wheeled plug-in electric vehicle, or

''(B) $7,500.

''(3) QUALIFIED 2- OR 3-WHEELED PLUG-IN ELECTRIC VEHICLE.—The term 'qualified 2- or 3-wheeled plug-in electric vehicle' means any vehicle which—

''(A) has 2 or 3 wheels,

''(B) meets the requirements of—

''(i) subparagraphs (A), (B), (C), (E), (F), (G), and (I) of subsection (e)(1) (determined by substituting '2.5 kilowatt hours' for '10 kilowatt hours' in subparagraph (F)(i)),

''(ii) paragraphs (3) and (4) of subsection (e), and

''(iii) subsections (f), (h), (i), and (k),

''(C) is manufactured primarily for use on public streets, roads, and highways, and

''(D) is capable of achieving a speed of 45 miles per hour or greater.

''(i) VIN NUMBER REQUIREMENT.—No credit shall be allowed under this section with respect to any vehicle unless the taxpayer includes the vehicle identification number of such vehicle on the return of tax for the taxable year.

''(j) TREATMENT OF CERTAIN POSSESSIONS.—

''(1) PAYMENTS TO POSSESSIONS WITH MIRROR CODE TAX SYSTEMS.—The Secretary shall pay to each possession of the United States which has a mirror code tax system amounts equal to the loss (if any) to that possession by reason of the application of the provisions of this section (determined without regard to this subsection). Such amounts shall be determined by the Secretary based on information provided by the government of the respective possession.

''(2) PAYMENTS TO OTHER POSSESSIONS.—The Secretary shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary as being equal to the aggregate benefits (if any) that would have been provided to residents of such possession by reason of the provisions of this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply unless the respective possession has a plan which has been approved by the Secretary under which such possession will promptly distribute such payments to its residents.

''(3) MIRROR CODE TAX SYSTEM; TREATMENT OF PAYMENTS.—Rules similar to the rules of paragraphs (3), (4), and (5) of section 21(h) shall apply for purposes of this section.

''(k) ASSEMBLY AND CONTENT QUALIFICATIONS.—For purposes of this section—

''(1) DOMESTIC ASSEMBLY QUALIFICATIONS.—The term 'domestic assembly qualifications' means, with respect to any new qualified plug-in electric vehicle, that the final assembly of such vehicle occurs at a plant, factory, or other place which is located in the United States and operating under a collective bargaining agreement negotiated by an employee organization (as defined in section 412(c)(4)), determined in a manner consistent with section 7701(a)(46).

''(2) DOMESTIC CONTENT QUALIFICATIONS.—The term 'domestic content qualifications' means, with respect to any model of a new qualified plug-in electric vehicle, that vehicles of that model are powered by battery cells which are manufactured in the United States as certified by the manufacturer at such time and in such form and manner as the Secretary may prescribe.

''(3) FINAL ASSEMBLY.—The term 'final assembly' means the process by which a manufacturer produces a new qualified plug-in electric drive motor vehicle at, or through the use of, a plant, factory, or other place from which the vehicle is delivered to a dealer or importer with all component parts necessary for the mechanical operation of the vehicle included with the vehicle, whether or not the component parts are permanently installed in or on the vehicle.

''(l) TERMINATION.—No credit shall be allowed under this section with respect to any vehicle acquired after December 31, 2031.''.

(b) TRANSFER OF CREDIT.—

(1) IN GENERAL.—Section 36C, as added by subsection (a), is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) following new subsection:

''(k) TRANSFER OF CREDIT.—

''(1) IN GENERAL.—Subject to such regulations or other guidance as the Secretary determines necessary or appropriate, if the taxpayer who acquires a new plug-in electric drive motor vehicle elects the application of this subsection with respect to such vehicle, the credit which would (but for this subsection) be allowed to such taxpayer with respect to such vehicle shall be allowed to the eligible entity specified in such election (and not to such taxpayer).

''(2) ELIGIBLE ENTITY.—For purposes of this paragraph, the term 'eligible entity' means, with respect to the vehicle for which the credit is allowed under subsection (a), the dealer which sold such vehicle to the taxpayer and has—

''(A) subject to paragraph (4), registered with the Secretary for purposes of this paragraph, at such time, and in such form and manner, as the Secretary may prescribe,

''(B) prior to the election described in paragraph (1) and not later than at the time of such sale, disclosed to the taxpayer purchasing such vehicle—

''(i) the manufacturer's suggested retail price,

''(ii) the value of the credit allowed or other incentive available for the purchase of such vehicle,

''(iii) all fees associated with the purchase of such vehicle, and

''(iv) the amount provided by the dealer to such taxpayer as a condition of the election described in paragraph (1),

''(C) made payment to such taxpayer (whether in cash or in the form of a partial payment or down payment for the purchase of such vehicle) in an amount equal to the credit otherwise allowable to such taxpayer, and

''(D) with respect to any incentive otherwise available for the purchase of a vehicle for which a credit is allowed under this section, including any incentive in the form of a rebate or discount provided by the dealer or manufacturer, ensured that—

''(i) the availability or use of such incentive shall not limit the ability of a taxpayer to make an election described in paragraph (1), and

''(ii) such election shall not limit the value or use of such incentive.

''(3) TIMING.—An election described in paragraph (1) shall be made by the taxpayer not later than the date on which the vehicle for which the credit is allowed under subsection (a) is purchased.

''(4) REVOCATION OF REGISTRATION.—Upon determination by the Secretary that a dealer has failed to comply with the requirements described in paragraph (2), the Secretary may revoke the registration (as described in subparagraph (A) of such paragraph) of such dealer.

''(5) TAX TREATMENT OF PAYMENTS.—With respect to any payment described in paragraph (2)(C), such payment—

''(A) shall not be includible in the gross income of the taxpayer, and

''(B) with respect to the dealer, shall not be deductible under this title.

''(6) APPLICATION OF CERTAIN OTHER REQUIREMENTS.—In the case of any election under paragraph (1) with respect to any vehicle—

''(A) the amount of the reduction under subsection (c) shall be determined with respect to the modified adjusted gross income of the taxpayer for the taxable year preceding the taxable year in which such vehicle was acquired (and not with respect to such income for the taxable year in which such vehicle was acquired),

''(B) the requirements of paragraphs (1) and (2) of subsection (f) shall apply to the taxpayer who acquired the vehicle in the same manner as if the credit determined under this section with respect to such vehicle were allowed to such taxpayer,

''(C) subsection (f)(5) shall not apply, and

''(D) the requirement of subsection (h) shall be treated as satisfied if the eligible entity provides the vehicle identification number of such vehicle to the Secretary in such manner as the Secretary may provide.

''(7) ADVANCE PAYMENT TO REGISTERED DEALERS.—

''(A) IN GENERAL.—The Secretary shall establish a program to make advance payments to any eligible entity in an amount equal to the cumulative amount of the credits allowed under subsection (a) with respect to any vehicles sold by such entity for which an election described in paragraph (1) has been made.

''(B) EXCESSIVE PAYMENTS.—Rules similar to the rules of section 6417(c)(7) shall apply for purposes of this paragraph.

''(8) DEALER.—For purposes of this subsection, the term 'dealer' means a person licensed by a State, the District of Columbia, the

Commonwealth of Puerto Rico, any other territory or possession of the United States, an Indian tribal government (as defined in section 48(e)(4)(F)(ii)), or any Alaska Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)) to engage in the sale of vehicles.''.

(2) CONFORMING AMENDMENT.—Section 36C(g)(3)(iii), as added by subsection (a), is amended by striking '', and (k)'' and inserting ''(k), and (l)''.

(c) REPEAL OF NONREFUNDABLE NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE CREDIT.—Subpart B of part IV of subchapter A of chapter 1 is amended by striking section 30D (and by striking the item relating to such section in the table of sections of such subpart).

(d) CONFORMING AMENDMENTS.—

(1) Section 1016(a)(37) is amended by striking ''section 30D(f)(1)'' and inserting ''section 36C(f)(1)''.

(2) Section 6211(b)(4)(A) is amended by inserting ''36C,'' after ''36B,''.

(3) Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

(A) in subparagraph (R), by striking ''and'' at the end,

(B) in subparagraph (S), by striking the period at the end and inserting '', and'', and

(C) by adding at the end the following:

''(T) an omission of a correct vehicle identification number required under section 36C(f) (relating to credit for new qualified plug-in electric drive motor vehicles) to be included on a return.''.

(4) Section 6501(m) is amended by striking ''30D(e)(4)'' and inserting ''36C(f)(5)''.

(5) Section 166(b)(5)(A)(ii) of title 23, United States Code, is amended by striking ''section 30D(d)(1)'' and inserting ''section 36C(e)(1)''.

(6) Section 1324(b)(2) of title 31, United States Code, is amended by inserting ''36C,'' after ''36B,''.

(7) The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 36B the following new item:

''Sec. 36C. New qualified plug-in electric drive motor vehicles.''.

(e) EFFECTIVE DATES.—

(1) The amendments made by subsections (a), (c), and (d) of this section shall apply to vehicles acquired after December 31, 2021.

(2) The amendments made by subsection (b) shall apply to vehicles acquired after December 31, 2022.

SEC. 136402. CREDIT FOR PREVIOUSLY-OWNED QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by inserting after section 36C the following new section:

''SEC. 36D. PREVIOUSLY-OWNED QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

''(a) ALLOWANCE OF CREDIT.—In the case of a qualified buyer who during a taxable year places in service a previously-owned qualified plug-in electric drive motor vehicle, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the sum of—

''(1) $2,000, plus

''(2) the supplemental credit amount.

''(b) SUPPLEMENTAL CREDIT AMOUNT.—For purposes of subsection (a), the term 'supplemental credit amount' means—

''(1) $2,000, if—

''(A) in the case of a vehicle placed in service before January 1, 2027, such vehicle draws propulsion energy from a battery with not less than 40 kilowatt hours of capacity and has a gasoline tank capacity not greater than 2.5 gallons, and

''(B) in the case of a vehicle placed in service after December 31, 2026, such vehicle draws propulsion energy from a battery with not less than 50 kilowatt hours of capacity and has a gasoline tank capacity not greater than 2.5 gallons, and

''(2) $0 in any other case.

''(c) LIMITATIONS.—

''(1) SALE PRICE.—The credit allowed under subsection (a) with respect to sale of a vehicle shall not exceed 50 percent of the sale price.

''(2) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—The amount which would (but for this paragraph) be allowed as a credit under subsection (a) shall be reduced (but not below zero) by $200 for each $1,000 (or fraction thereof) by which the lesser of—

''(A) the taxpayer's modified adjusted gross income for such taxable year, or

''(B) the taxpayer's modified adjusted gross income for the preceding taxable year, exceeds—

''(i) $150,000 in the case of a joint return or a surviving spouse (as defined in section 2(a)),

''(ii) $112,500 in the case of a head of household (as defined in section 2(b)), and

''(iii) $75,000 in the case of a taxpayer not described in paragraph (1) or (2).

''(d) DEFINITIONS.—For purposes of this section—

''(1) PREVIOUSLY-OWNED QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—The term 'previously-owned qualified plug-in electric drive motor vehicle' means, with respect to a taxpayer, a motor vehicle—

''(A) the model year of which is at least 2 years earlier than the calendar year in which the taxpayer acquires such vehicle,

''(B) the original use of which commences with a person other than the taxpayer,

''(C) which is acquired by the taxpayer in a qualified sale, and

''(D) which meets the requirements of subparagraphs (C), (D), (E), (F), (G), (H), and (I) of section 36C(e)(1) (determined by applying 'previously-owned qualified plug-in electric drive motor vehicle' for 'new qualified plug-in electric drive motor vehicle'), or which is a new qualified fuel cell motor vehicle (as defined in subparagraphs (A) and (B) of section 30B(b)(3)) which has a gross vehicle weight rating of less than 14,000 pounds.

''(2) QUALIFIED SALE.—The term 'qualified sale' means a sale of a motor vehicle—

''(A) by a seller who holds such vehicle in inventory (within the meaning of section 471) for sale or lease,

''(B) for a sale price not to exceed $25,000, and

''(C) which is the first transfer since the date of the enactment of this section to a person other than the person with whom the original use of such vehicle commenced.

''(3) QUALIFIED BUYER.—The term 'qualified buyer' means, with respect to a sale of a motor vehicle, a taxpayer—

''(A) who is an individual,

''(B) who purchases such vehicle for use and not for resale,

''(C) with respect to whom no deduction is allowable with respect to another taxpayer under section 151,

''(D) who has not been allowed a credit under this section for any sale during the 3-year period ending on the date of the sale of such vehicle, and

''(E) who possesses a certificate issued by the seller that certifies—

''(i) that the vehicle is a previously-owned qualified plug-in electric drive motor vehicle,

''(ii) the vehicle identification number of such vehicle,

''(iii) the capacity of the battery at time of sale, and

''(iv) such other information as the Secretary may require.

''(4) MOTOR VEHICLE; CAPACITY.—The terms 'motor vehicle' and 'capacity' have the meaning given such terms in paragraphs (2) and (4) of section 36C(e), respectively.

''(e) VIN NUMBER REQUIREMENT.—No credit shall be allowed under subsection (a) with respect to any vehicle unless the taxpayer includes the vehicle identification number of such vehicle on the return of tax for the taxable year.

''(f) APPLICATION OF CERTAIN RULES.—For purposes of this section, rules similar to the rules of paragraphs (1), (2), (4), (5), and (6) of section 36C(f) shall apply for purposes of this section.

''(g) CERTIFICATE SUBMISSION REQUIREMENT.—The Secretary may require that the issuer of the certificate described in subsection (c)(3)(E) submit such certificate to the Secretary at the time and in the manner required by the Secretary.

''(h) TREATMENT OF CERTAIN POSSESSIONS.—

''(1) PAYMENTS TO POSSESSIONS WITH MIRROR CODE TAX SYSTEMS.—The Secretary shall pay to each possession of the United States which has a mirror code tax system amounts equal to the loss (if any) to that possession by reason of the application of the provisions of this section. Such amounts shall be determined by the Secretary based on information provided by the government of the respective possession.

''(2) PAYMENTS TO OTHER POSSESSIONS.—The Secretary shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary as being equal to the aggregate benefits (if any) that would have been provided to residents of such possession by reason of the provisions of this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply unless the respective possession has a plan which has been approved by the Secretary under which such possession will promptly distribute such payments to its residents.

''(3) MIRROR CODE TAX SYSTEM; TREATMENT OF PAYMENTS.—Rules similar to the rules of paragraphs (3), (4), and (5) of section 21(h) shall apply for purposes of this section.

''(i) TRANSFER OF CREDIT.—Rules similar to the rules of section 36C(k) shall apply.

''(j) TERMINATION.—No credit shall be allowed under this section with respect to any vehicle acquired after December 31, 2031.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4)(A), as amended by the preceding provisions of this Act, is amended by inserting ''36D,'' after ''36C,''.

(2) Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

(A) in subparagraph (S), by striking ''and'' at the end,

(B) in subparagraph (T), by striking the period at the end and inserting '', and'', and

(C) by adding at the end the following:

''(U) an omission of a correct vehicle identification number required under section 36D(d) (relating to credit for previously-owned qualified plug-in electric drive motor vehicles) to be included on a return.''.

(3) Paragraph (2) of section 1324(b) of title 31, United States Code, as amended by the preceding provisions of this Act, is amended by inserting ''36D,'' after ''36C,''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart C of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by inserting after the item relating to section 36C the following new item:

''Sec. 36D. Previously-owned qualified plug-in electric drive motor vehicles.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to vehicles acquired after December 31, 2021.

SEC. 136403. QUALIFIED COMMERCIAL ELECTRIC VEHICLES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 45Y. CREDIT FOR QUALIFIED COMMERCIAL ELECTRIC VEHICLES.

''(a) IN GENERAL.—For purposes of section 38, the qualified commercial electric vehicle credit for any taxable year is an amount equal to the

sum of the credit amounts determined under subsection (b) with respect to each qualified commercial electric vehicle placed in service by the taxpayer during the taxable year.

''(b) PER VEHICLE AMOUNT.—

''(1) IN GENERAL.—The amount determined under this subsection with respect to any qualified commercial electric vehicle shall be equal to the lesser of—

''(A) 15 percent of the basis of such vehicle (30 percent in the case of a vehicle not powered by a gasoline or diesel internal combustion engine), or

''(B) the incremental cost of such vehicle.

''(2) INCREMENTAL COST.—For purposes of paragraph (1)(B), the incremental cost of any qualified commercial electric vehicle is an amount equal to the excess of the purchase price for such vehicle over such price of a comparable vehicle.

''(3) COMPARABLE VEHICLE.—For purposes of this paragraph, the term 'comparable vehicle' means, with respect to any qualified commercial electric vehicle, any vehicle which is powered solely by a gasoline or diesel internal combustion engine and which is comparable in size and use to such vehicle.

''(4) VEHICLES FOR LEASE TO INDIVIDUALS.—

''(A) IN GENERAL.—In the case of a commercial electric vehicle which is acquired by the taxpayer for the purpose of leasing such vehicle to any individual, the amount determined under this subsection with respect to such vehicle shall, at the election of such taxpayer, be equal to the amount of the credit that would otherwise be allowed under section 36C(a) with respect to such vehicle, as determined as if such vehicle—

''(i) is a new qualified plug-in electric drive motor vehicle, and

''(ii) has been acquired and placed in service by an individual.

''(B) ELECTION REQUIREMENTS.—

''(i) IN GENERAL.—An election under subparagraph (A) shall be made at such time and in such manner as the Secretary prescribes by regulations or other guidance.

''(ii) DISCLOSURE REQUIREMENT.—For purposes of any regulations or other guidance prescribed under clause (i), the Secretary shall require that, as a condition of an election under subparagraph (A), the taxpayer making such election shall be required to disclose to the lessee of the commercial electric vehicle the value of the credit allowed under this section.

''(c) QUALIFIED COMMERCIAL ELECTRIC VEHICLE.—For purposes of this section, the term 'qualified commercial electric vehicle' means any vehicle which—

''(1) meets the requirements of subparagraphs (A) and (C) of section 36C(e)(1) without regard to any gross vehicle weight rating or the requirements of section 36C(d), and is acquired for use or lease by the taxpayer and not for resale,

''(2) either—

''(A) meets the requirements of subparagraph (D) of section 36C(e)(1) and is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails), or

''(B) is mobile machinery, as defined in section 4053(8) (including vehicles that are not designed to perform a function of transporting a load over the public highways),

''(3) either—

''(A) is propelled to a significant extent by an electric motor which draws electricity from a battery which has a capacity of not less than 15 kilowatt hours and is capable of being recharged from an external source of electricity, or

''(B) is a new qualified fuel cell motor vehicle described in subparagraphs (A) and (B) of section 30B(b)(3), and

''(4) is of a character subject to the allowance for depreciation.

''(d) SPECIAL RULES.—

''(1) IN GENERAL.—Subject to paragraph (2), rules similar to the rules under subsection (f) of section 36C shall apply for purposes of this section.

''(2) RECAPTURE.—The Secretary shall, by regulations or other guidance, provide for recapturing the benefit of any credit allowed under subsection (a) with respect to any property which ceases to be property eligible for such credit, including regulations or other guidance which, in the case of any commercial electric vehicle for which an election was made under subsection (b)(4)—

''(A) recaptures the credit allowed under subsection (a) if—

''(i) such vehicle was not leased to an individual, or

''(ii) the taxpayer failed to comply with the requirements described in subsection (b)(4)(B)(ii), and

''(B) in the case of a commercial electric vehicle which is leased by an individual whose modified adjusted gross income exceeds the threshold amount under section 36C(c)(2), recaptures so much of the credit allowed under subsection (a) as exceeds the amount of the credit which would have otherwise been allowable under such subsection if, for purposes of subsection (b)(4)(A), the amount of the credit that would otherwise be allowed under section 36C(a) with respect to such vehicle had been determined as if such vehicle was acquired and placed in service by such individual and subject to reduction under section 36C(c).

''(3) VEHICLES PLACED IN SERVICE BY TAX-EXEMPT ENTITIES.—Subsection (c)(4) shall not apply to any vehicle which is not subject to a lease and which is placed in service by a tax-exempt entity described in clause (i), (ii), or (iv) of section 168(h)(2)(A).

''(e) VIN NUMBER REQUIREMENT.—No credit shall be determined under subsection (a) with respect to any vehicle unless the taxpayer includes the vehicle identification number of such vehicle on the return of tax for the taxable year.

''(f) TERMINATION.—No credit shall be determined under this section with respect to any vehicle acquired after December 31, 2031.''.

(b) ELECTIVE PAYMENT OF CREDIT IN CASE OF CERTAIN TAX-EXEMPT ENTITIES.—Section 6417(b), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

''(9) In the case of a tax-exempt entity described in clause (i), (ii), or (iv) of section 168(h)(2)(A), the credit for qualified commercial vehicles determined under section 45Y by reason of subsection (d)(2) thereof.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 38(b) is amended by striking paragraph (30) and inserting the following:

''(30) the qualified commercial electric vehicle credit determined under section 45Y,''.

(2) Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

(A) in subparagraph (T), by striking ''and'' at the end,

(B) in subparagraph (U), by striking the period at the end and inserting '', and'', and

(C) by adding at the end the following:

''(V) an omission of a correct vehicle identification number required under section 45Y(e) (relating to commercial electric vehicle credit) to be included on a return.''.

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 45Y. Qualified commercial electric vehicle credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to vehicles acquired after December 31, 2021.

SEC. 136404. QUALIFIED FUEL CELL MOTOR VEHICLES.

(a) IN GENERAL.—Section 30B(k)(1) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2031''.

(b) NEW QUALIFIED FUEL CELL MOTOR VEHICLE.—Section 30B(b) is amended by striking ''and'' at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting '', and'', and by adding at the end the following new subparagraph:

''(F) which is not property of a character subject to an allowance for depreciation.''.

(c) CONFORMING AMENDMENT.—Section 30B(g) is amended to read as follows:

''(g) PERSONAL CREDIT.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2021.

SEC. 136405. ALTERNATIVE FUEL REFUELING PROPERTY CREDIT.

(a) IN GENERAL.—Section 30C(g) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2031''.

(b) ADDITIONAL CREDIT FOR CERTAIN ELECTRIC CHARGING PROPERTY.—

(1) IN GENERAL.—Section 30C(a) is amended—

(A) by striking ''equal to 30 percent'' and inserting the following: ''equal to the sum of—

''(1) 30 percent (6 percent in the case of property of a character subject to depreciation)'',

(B) by striking the period at the end and inserting '', plus'', and

(C) by adding at the end the following new paragraph:

''(2) 4 percent of so much of such cost as exceeds the limitation under subsection (b)(1) that does not exceed the amount of cost attributable to qualified alternative fuel vehicle refueling property (determined without regard to subsection (c)(1) and as if only electricity, and fuel at least 85 percent of the volume of which consists of hydrogen, were treated as clean-burning fuels for purposes of section 179A(d)) which—

''(A) is intended for general public use with no associated fee or payment arrangement,

''(B) is intended for general public use and accepts payment via a credit card reader, including a credit card reader that uses contactless technology, or

''(C) is intended for use exclusively by commercial or governmental vehicles.''.

(2) CONFORMING AMENDMENT.—Section 30C(b) is amended—

(A) by striking ''The credit allowed under subsection (a)'' and inserting ''The amount of cost taken into account under subsection (a)(1)'',

(B) by striking ''$30,000'' and inserting ''$100,000'', and

(C) by striking ''$1,000'' and inserting ''$3,333.33''.

(3) BIDIRECTIONAL CHARGING EQUIPMENT INCLUDED AS QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—Section 30C(c) is amended to read as follows:

''(c) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified alternative fuel vehicle refueling property' has the same meaning as the term 'qualified clean-fuel vehicle refueling property' would have under section 179A if—

''(A) paragraph (1) of section 179A(d) did not apply to property installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer, and

''(B) only the following were treated as clean-burning fuels for purposes of section 179A(d):

''(i) Any fuel at least 85 percent of the volume of which consists of one or more of the following: ethanol, natural gas, compressed natural gas, liquified natural gas, liquefied petroleum gas, or hydrogen.

''(ii) Any mixture—

''(I) which consists of two or more of the following: biodiesel (as defined in section 40A(d)(1)), diesel fuel (as defined in section 4083(a)(3)), or kerosene, and

''(II) at least 20 percent of the volume of which consists of biodiesel (as so defined) determined without regard to any kerosene in such mixture.

''(iii) Electricity.

''(2) BIDIRECTIONAL CHARGING EQUIPMENT.—Property shall not fail to be treated as qualified alternative fuel vehicle refueling property solely because such property—

''(A) is capable of charging the battery of a motor vehicle propelled by electricity, and

''(B) allows discharging electricity from such battery to an electric load external to such motor vehicle.''.

(c) CERTAIN ELECTRIC CHARGING STATIONS INCLUDED AS QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—Section 30C is amended by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following:

''(f) SPECIAL RULE FOR ELECTRIC CHARGING STATIONS FOR CERTAIN VEHICLES WITH 2 OR 3 WHEELS.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified alternative fuel vehicle refueling property' includes any property described in subsection (c) for the recharging of a motor vehicle described in paragraph (2) that is propelled by electricity, but only if the property—

''(A) meets the requirements of subsection (a)(2), and

''(B) is of a character subject to depreciation.

''(2) MOTOR VEHICLE.—A motor vehicle is described in this paragraph if the motor vehicle—

''(A) is manufactured primarily for use on public streets, roads, or highways (not including a vehicle operated exclusively on a rail or rails), and

''(B) has at least 2, but not more than 3, wheels.''.

(d) WAGE AND APPRENTICESHIP REQUIREMENTS.—Section 30C, as amended by this section, is further amended by redesignating subsections (g) and (h) as subsections (h) and (i) and by inserting after subsection (f) the following new subsection:

''(g) WAGE AND APPRENTICESHIP REQUIREMENTS.—

''(1) INCREASED CREDIT AMOUNT.—

''(A) IN GENERAL.—In the case of any qualified alternative fuel vehicle refueling project which satisfies the requirements of subparagraph (C), the amount of the credit determined under subsection (a) for property of a character subject to an allowance for depreciation shall be equal to such amount multiplied by 5 (determined without regard to this sentence).

''(B) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROJECT.—For purposes of this subsection, the term 'qualified alternative fuel vehicle refueling project' means a project consisting of multiple properties that are part of a single project. The requirements of this paragraph shall be applied to such project.

''(C) PROJECT REQUIREMENTS.—A project meets the requirements of this subparagraph if it is one of the following:

''(i) A project the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (2) and (3).

''(ii) A project which satisfies the requirements of paragraphs (2) and (3).

''(2) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified alternative fuel vehicle refueling project are that the taxpayer shall ensure that any laborers and mechanics employed by contractors and subcontractors in the construction of such property shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of clauses (i) through (iv) of section 45(b)(7)(B) shall apply.

''(3) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(4) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of establishing the requirements of this subsection.''.

(e) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2021.

SEC. 136406. REINSTATEMENT AND EXPANSION OF EMPLOYER-PROVIDED FRINGE BENEFITS FOR BICYCLE COMMUTING.

(a) REPEAL OF SUSPENSION OF EXCLUSION FOR QUALIFIED BICYCLE COMMUTING BENEFITS.—Section 132(f) is amended by striking paragraph (8).

(b) EXPANSION OF BICYCLE COMMUTING BENEFITS.—Section 132(f)(5)(F) is amended to read as follows:

''(F) DEFINITIONS RELATED TO BICYCLE COMMUTING BENEFITS.—

''(i) QUALIFIED BICYCLE COMMUTING BENEFIT.—The term 'qualified bicycle commuting benefit' means, with respect to any calendar year—

''(I) any employer reimbursement during the 15-month period beginning with the first day of such calendar year for reasonable expenses incurred by the employee during such calendar year for the purchase (including associated finance charges), lease, rental (including a bikeshare), improvement, repair, or storage of qualified commuting property, or

''(II) the direct or indirect provision by the employer to the employee during such calendar year of the use (including a bikeshare), improvement, repair, or storage of qualified commuting property,

if the employee regularly uses such qualified commuting property for travel between the employee's residence, place of employment, a qualified parking facility, or a mass transit facility that connects the employee to their residence or place of employment.

''(ii) QUALIFIED COMMUTING PROPERTY.—The term 'qualified commuting property' means—

''(I) any bicycle (other than a bicycle equipped with any motor),

''(II) any electric bicycle which meets the requirements of section 36E(c)(5),

''(III) any 2- or 3-wheel scooter (other than a scooter equipped with any motor), and

''(IV) any 2- or 3-wheel scooter propelled by an electric motor if such motor does not provide assistance if the speed of such scooter exceeds 20 miler per hour (or if the speed of such scooter is not capable of exceeding 20 miles per hour) and the weight of such scooter does not exceed 100 pounds.

''(iii) BIKESHARE.—The term 'bikeshare' means a rental operation at which qualified commuting property is made available to customers to pick up and drop off for point-to-point use within a defined geographic area.''.

(c) LIMITATION ON EXCLUSION.—Section 132(f)(2)(C) is amended to read as follows:

''(C) 30 percent of the dollar amount in effect under subparagraph (B) per month in the case of any qualified bicycle commuting benefit.''.

(d) NO CONSTRUCTIVE RECEIPT.—Section 132(f)(4) is amended by striking ''(other than a qualified bicycle commuting reimbursement)''.

(e) CONFORMING AMENDMENTS.—

(1) Section 132(f)(1)(D) is amended by striking ''reimbursement'' and inserting ''benefit''.

(2) Section 274(l) is amended by striking paragraph (2).

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 136407. CREDIT FOR CERTAIN NEW ELECTRIC BICYCLES.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by inserting after section 36D the following new section:

''SEC. 36E. ELECTRIC BICYCLES.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of the cost of each qualified electric bicycle placed in service by the taxpayer during such taxable year.

''(b) LIMITATIONS.—

''(1) LIMITATION ON COST PER ELECTRIC BICYCLE TAKEN INTO ACCOUNT.—The amount taken into account under subsection (a) as the cost of any qualified electric bicycle shall not exceed $3,000.

''(2) BICYCLE LIMITATION WITH RESPECT TO CREDIT.—

''(A) LIMITATION ON NUMBER OF PERSONAL-USE BICYCLES.—In the case of any taxpayer for any taxable year, the number of personal-use bicycles taken into account under subsection (a) shall not exceed the excess (if any) of—

''(i) 1 (2 in the case of a joint return), reduced by

''(ii) the aggregate number of bicycles taken into account by the taxpayer under subsection (a) for the 2 preceding taxable years.

''(B) PHASEOUT BASED ON MODIFIED ADJUSTED GROSS INCOME.—The credit allowed under subsection (a) shall be reduced by $200 for each $1,000 (or fraction thereof) by which the taxpayer's modified adjusted gross income exceeds—

''(i) $150,000 in the case of a joint return or a surviving spouse (as defined in section 2(a)),

''(ii) $112,500 in the case of a head of household (as defined in section 2(b)), and

''(iii) $75,000 in the case of a taxpayer not described in clause (i) or (ii).

''(C) MODIFIED ADJUSTED GROSS INCOME.—For purposes of subparagraph (B), the term 'modified adjusted gross income' means adjusted gross income increased by any amount excluded from gross income under section 911, 931, or 933.

''(D) SPECIAL RULE FOR MODIFIED ADJUSTED GROSS INCOME TAKEN INTO ACCOUNT.—The modified adjusted gross income of the taxpayer that is taken into account for purposes of this paragraph shall be the lesser of—

''(i) the modified adjusted gross income for the taxable year in which the credit is claimed, or

''(ii) the modified adjusted gross income for the immediately preceding taxable year.

''(c) QUALIFIED ELECTRIC BICYCLE.—For purposes of this section, the term 'qualified electric bicycle' means a bicycle—

''(1) the original use of which commences with the taxpayer,

''(2) which is acquired for use by the taxpayer and not for resale,

''(3) which is made by a qualified manufacturer and is labeled with the qualified vehicle identification number assigned to such bicycle by such manufacturer,

''(4) with respect to which the aggregate amount paid for such acquisition does not exceed $4,000, and

''(5) which is equipped with—

''(A) fully operable pedals,

''(B) a saddle or seat for the rider, and

''(C) an electric motor of less than 750 watts which is designed to provided assistance in propelling the bicycle and—

''(i) does not provide such assistance if the bicycle is moving in excess of 20 miler per hour, or

''(ii) if such motor only provides such assistance when the rider is pedaling, does not provide such assistance if the bicycle is moving in excess of 28 miles per hour.

''(d) VIN NUMBER REQUIREMENT.—

''(1) IN GENERAL.—No credit shall be allowed under subsection (a) with respect to any qualified electric bicycle unless the taxpayer includes

the qualified vehicle identification number of such bicycle on the return of tax for the taxable year.

''(2) QUALIFIED VEHICLE IDENTIFICATION NUMBER.—For purposes of this section, the term 'qualified vehicle identification number' means, with respect to any bicycle, the vehicle identification number assigned to such bicycle by a qualified manufacturer pursuant to the methodology referred to in paragraph (3).

''(3) QUALIFIED MANUFACTURER.—For purposes of this section, the term 'qualified manufacturer' means any manufacturer of qualified electric bicycles which enters into an agreement with the Secretary which provides that such manufacturer will—

''(A) assign a vehicle identification number to each qualified electric bicycle produced by such manufacturer utilizing a methodology that will ensure that such number (including any alphanumeric) is unique to such bicycle (by utilizing numbers or letters which are unique to such manufacturer or by such other method as the Secretary may provide),

''(B) label such bicycle with such number in such manner as the Secretary may provide, and

''(C) make periodic written reports to the Secretary (at such times and in such manner as the Secretary may provide) of the vehicle identification numbers so assigned and including such information as the Secretary may require with respect to the qualified electric bicycle to which such number was so assigned.

''(e) SPECIAL RULES.—

''(1) BASIS REDUCTION.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.

''(2) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter for a qualified electric bicycle for which a credit is allowable under subsection (a) shall be reduced by the amount of credit allowed under such subsection for such bicycle.

''(3) PROPERTY USED OUTSIDE UNITED STATES NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1).

''(4) RECAPTURE.—The Secretary shall, by regulations or other guidance, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

''(5) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any bicycle if the taxpayer elects to not have this section apply to such bicycle.

''(f) TREATMENT OF CERTAIN POSSESSIONS.—

''(1) PAYMENTS TO POSSESSIONS WITH MIRROR CODE TAX SYSTEMS.—The Secretary shall pay to each possession of the United States which has a mirror code tax system amounts equal to the loss (if any) to that possession by reason of the application of the provisions of this section (determined without regard to this subsection). Such amounts shall be determined by the Secretary based on information provided by the government of the respective possession.

''(2) PAYMENTS TO OTHER POSSESSIONS.—The Secretary shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary as being equal to the aggregate benefits (if any) that would have been provided to residents of such possession by reason of the provisions of this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply unless the respective possession has a plan which has been approved by the Secretary under which such possession will promptly distribute such payments to its residents.

''(3) MIRROR CODE TAX SYSTEM; TREATMENT OF PAYMENTS.—Rules similar to the rules of paragraphs (3), (4), and (5) of section 21(h) shall apply for purposes of this section.

''(g) TRANSFER OF CREDIT.—

''(1) IN GENERAL.—Subject to such regulations or other guidance as the Secretary determines necessary or appropriate, if the taxpayer who acquires a qualified electric bicycle after December 31, 2022 elects the application of this subsection with respect to such qualified electric bicycle, the credit which would (but for this subsection) be allowed to such taxpayer with respect to such qualified electric bicycle shall be allowed to the eligible entity specified in such election (and not to such taxpayer).

''(2) ELIGIBLE ENTITY.—For purposes of this paragraph, the term 'eligible entity' means, with respect to the qualified electric bicycle for which the credit is allowed under subsection (a), the retailer which sold such qualified electric bicycle to the taxpayer and has—

''(A) subject to paragraph (4), registered with the Secretary for purposes of this paragraph, at such time, and in such form and manner, as the Secretary may prescribe,

''(B) prior to the election described in paragraph (1) and no later than at the time of such sale, disclosed to the taxpayer purchasing such qualified electric bicycle—

''(i) the retail price,

''(ii) the value of the credit allowed or other incentive available for the purchase of such qualified electric bicycle,

''(iii) all fees associated with the purchase of such qualified electric bicycle, and

''(iv) the amount provided by the retailer to such taxpayer as a condition of the election described in paragraph (1),

''(C) made payment to such taxpayer (whether in cash or in the form of a partial payment or down payment for the purchase of such qualified electric bicycle) in an amount equal to the credit otherwise allowable to such taxpayer, and

''(D) with respect to any incentive otherwise available for the purchase of a qualified electric bicycle for which a credit is allowed under this section, including any incentive in the form of a rebate or discount provided by the retailer or manufacturer, ensured that—

''(i) the availability or use of such incentive shall not limit the ability of a taxpayer to make an election described in paragraph (1), and

''(ii) such election shall not limit the value or use of such incentive.

''(3) TIMING.—An election described in paragraph (1) shall be made by the taxpayer not later than the date on which the qualified electric bicycle for which the credit is allowed under subsection (a) is purchased.

''(4) REVOCATION OF REGISTRATION.—Upon determination by the Secretary that a retailer has failed to comply with the requirements described in paragraph (2), the Secretary may revoke the registration (as described in subparagraph (A) of such paragraph) of such retailer.

''(5) TAX TREATMENT OF PAYMENTS.—With respect to any payment described in paragraph (2)(C), such payment—

''(A) shall not be includible in the gross income of the taxpayer, and

''(B) with respect to the retailer, shall not be deductible under this title.

''(6) APPLICATION OF CERTAIN OTHER REQUIREMENTS.—In the case of any election under paragraph (1) with respect to any qualified electric bicycle—

''(A) the amount of the reduction under subsection (b) shall be determined with respect to the modified adjusted gross income of the taxpayer for the taxable year preceding the taxable year in which such qualified electric bicycle was acquired (and not with respect to such income for the taxable year in which such qualified electric bicycle was acquired),

''(B) the requirements of paragraphs (1) and (2) of subsection (e) shall apply to the taxpayer who acquired the qualified electric bicycle in the same manner as if the credit determined under this section with respect to such qualified electric bicycle were allowed to such taxpayer, and

''(C) subsection (e)(5) shall not apply.

''(7) ADVANCE PAYMENT TO REGISTERED RETAILERS.—

''(A) IN GENERAL.—The Secretary shall establish a program to make advance payments to any eligible entity in an amount equal to the cumulative amount of the credits allowed under subsection (a) with respect to any qualified electric bicycles sold by such entity for which an election described in paragraph (1) has been made.

''(B) EXCESSIVE PAYMENTS.—Rules similar to the rules of section 6417(c)(7) shall apply for purposes of this paragraph.

''(8) RETAILER.—For purposes of this subsection, the term 'retailer' means a person engaged in the trade or business of selling qualified electric bicycles in a State, the District of Columbia, the Commonwealth of Puerto Rico, any other territory or possession of the United States, an Indian tribal government (as defined in section 48(e)(4)(F)(ii)), or any Alaska Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)).

''(h) TERMINATION.—This section shall not apply to bicycles placed in service after December 31, 2025.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) is amended by striking ''and'' at the end of paragraph (38), by striking the period at the end of paragraph (39) and inserting '', and'', and by adding at the end the following new paragraph:

''(40) to the extent provided in section 36E(f)(1).''.

(2) Section 6211(b)(4)(A) of such Code is amended by inserting ''36E by reason of subsection (c)(2) thereof,'' before ''32,''.

(3) Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

(A) in subparagraph (U), by striking ''and'' at the end,

(B) in subparagraph (V), by striking the period at the end and inserting '', and'', and

(C) by adding at the end the following:

''(W) an omission of a correct vehicle identification number required under section 36E(d) (relating to electric bicycles credit) to be included on a return.''.

(4) Section 6501(m) is amended by inserting ''36E(f)(4),'' after ''35(g)(11),''.

(5) Section 1324(b)(2) of title 31, United States Code, is amended by inserting ''36E,'' after ''36D,''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 36E. Electric bicycles.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2021, in taxable years ending after such date.

PART 5—INVESTMENT IN THE GREEN WORKFORCE AND MANUFACTURING

SEC. 136501. EXTENSION OF THE ADVANCED ENERGY PROJECT CREDIT.

(a) EXTENSION OF CREDIT.—Section 48C is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

''(e) ADDITIONAL ALLOCATIONS.—

''(1) IN GENERAL.—Not later than 270 days after the date of enactment of this subsection, the Secretary shall establish a program to consider and award certifications for qualified investments eligible for credits under this section to qualifying advanced energy project sponsors.

''(2) ANNUAL LIMITATION.—

''(A) IN GENERAL.—The amount of credits that may be allocated under this subsection during any calendar year shall not exceed the annual credit limitation with respect to such year.

''(B) ANNUAL CREDIT LIMITATION.—

''(i) IN GENERAL.—For purposes of this subsection, the term 'annual credit limitation' means $5,000,000,000 for each of calendar years

2022 through 2023, $1,875,000,000 for each of calendar years 2024 through 2031, and zero thereafter.

''(ii) AMOUNT SET ASIDE FOR AUTOMOTIVE COMMUNITIES.—

''(I) IN GENERAL.—For purposes of clause (i), $800,000,000 of the annual credit limitation for each of calendar years 2022 through 2023 and $300,000,000 for each of calendar years 2024 through 2031 shall be allocated to qualified investments located within automotive communities.

''(II) AUTOMOTIVE COMMUNITIES.—For purposes of this clause, the term 'automotive communities' means a census tract and any directly adjoining census tract, including a no-population census tract, that has experienced major job losses in the automotive manufacturing sector since January 1, 1994, as determined by the Secretary.

''(iii) AMOUNT SET ASIDE FOR ENERGY COMMUNITIES.—For purposes of clause (i), $800,000,000 of the annual credit limitation for each of calendar years 2022 through 2023 and $300,000,000 for each of calendar years 2024 through 2031 shall be allocated to qualified investments located within energy communities (as defined in section 45(b)(11)(B)).

''(C) CARRYOVER OF UNUSED LIMITATION.—If the annual credit limitation for any calendar year exceeds the aggregate amount designated for such year under this subsection, such limitation for the succeeding calendar year shall be increased by the amount of such excess. No amount may be carried under the preceding sentence to any calendar year after 2036.

''(3) CERTIFICATIONS.—

''(A) APPLICATION REQUIREMENT.—Each applicant for certification under this subsection shall submit an application at such time and containing such information as the Secretary may require.

''(B) TIME TO MEET CRITERIA FOR CERTIFICATION.—Each applicant for certification shall have 2 years from the date of acceptance by the Secretary of the application during which to provide to the Secretary evidence that the requirements of the certification have been met.

''(C) PERIOD OF ISSUANCE.—An applicant which receives a certification shall have 2 years from the date of issuance of the certification in order to place the project in service and to notify the Secretary that such project has been so placed in service, and if such project is not placed in service (and the Secretary so notified) by that time period, then the certification shall no longer be valid. If any certification is revoked under this subparagraph, the amount of the annual credit limitation under paragraph (2) for the calendar year in which such certification is revoked shall be increased by the amount of the credit with respect to such revoked certification.

''(4) SELECTION CRITERIA.—Selection criteria similar to those in subsection (d)(3) shall apply, except that in determining designations under this subsection, the Secretary shall—

''(A) in addition to the factors described in subsection (d)(3)(B), take into consideration which projects—

''(i) will provide the greatest net impact in avoiding or reducing anthropogenic emissions of greenhouse gases, as determined by the Secretary,

''(ii) will provide the greatest domestic job creation (both direct and indirect) during the credit period,

''(iii) will provide the greatest job creation within the vicinity of the project, particularly with respect to—

''(I) low-income communities (as described in section 45D(e)), and

''(II) dislocated workers who were previously employed in manufacturing, coal power plants, or coal mining, and

''(iv) will provide the greatest job creation in areas with a population that is at risk of experiencing higher or more adverse human health or environmental effects and a significant portion of such population is comprised of communities of color, low-income communities, Tribal and Indigenous communities, or individuals formerly employed in the fossil fuel industry, and

''(B) give the highest priority to projects which—

''(i) manufacture (other than primarily assembly of components) property described in a subclause of subsection (c)(1)(A)(i) (or components thereof), and

''(ii) have the greatest potential for commercial deployment of new applications.

''(5) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon allocating a credit under this subsection, publicly disclose the identity of the applicant, the amount of the credit with respect to such applicant, and the project location for which such credit was allocated.

''(6) CREDIT CONDITIONED UPON WAGE AND APPRENTICESHIP REQUIREMENTS.—

''(A) BASE RATE.—For purposes of allocations under this subsection, the amount of the credit determined under subsection (a) shall be determined by substituting '6 percent' for '30 percent'.

''(B) ALTERNATIVE RATE.—In the case of any project which satisfies the requirements of paragraphs (7) and (8), the amount of the credit determined under subsection (a) (after application of subparagraph (A)) shall be equal to such amount multiplied by 5.

''(7) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this paragraph with respect to a project are that the taxpayer shall ensure that any laborers and mechanics employed by contractors and subcontractors in the re-equipping, expansion, or establishment of a manufacturing facility shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—In the case of any taxpayer which fails to satisfy the requirement under subparagraph (A) with respect to any project—

''(i) rules similar to the rules of clauses (i) through (iv) of section 45(b)(7)(B) shall apply, and

''(ii) if the failure to satisfy the requirement under subparagraph (A) is not corrected pursuant to the rules described in clause (i), the certification with respect to the re-equipping, expansion, or establishment of a manufacturing facility shall no longer be valid.

''(8) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.''.

(b) MODIFICATION OF QUALIFYING ADVANCED ENERGY PROJECTS.—

(1) INCLUSION OF WATER AS A RENEWABLE RESOURCE.—Section 48C(c)(1)(A)(i)(I) is amended by inserting ''water,'' after ''sun,''.

(2) ENERGY STORAGE SYSTEMS.—Section 48C(c)(1)(A)(i)(II) is amended by striking ''an energy storage system for use with electric or hybrid-electric motor vehicles'' and inserting ''energy storage systems and components''.

(3) MODIFICATION OF QUALIFYING ELECTRIC GRID PROPERTY.—Section 48C(c)(1)(A)(i)(III) is amended to read as follows:

''(III) electric grid modernization equipment or components,''.

(4) USE OF CAPTURED CARBON.—Section 48C(c)(1)(A)(i)(IV) is amended by striking ''sequester'' and insert ''use or sequester''.

(5) ELECTRIC VEHICLES AND BICYCLES.—Section 48C(c)(1)(A)(i)(VI) is amended—

(A) by striking ''new qualified plug-in electric drive motor vehicles (as defined by section 30D)'' and inserting ''vehicles described in sections 36C and 45Y, and bicycles described in section 36E'', and

(B) and striking ''and power control units'' and inserting ''power control units, and equipment used for charging or refueling''.

(6) PROPERTY FOR PRODUCTION OF HYDROGEN.—Section 48C(c)(1)(A)(i) is amended by striking ''or'' at the end of subclause (VI), by redesignating subclause (VII) as subclause (VIII), an by inserting after subclause (VI) the following new subclause:

''(VII) property designed to be used to produce qualified clean hydrogen (as defined in section 45X), or''.

(7) RECYCLING OF ADVANCED ENERGY PROPERTY.—Section 48C(c)(1) is amended by adding at the end the following new subparagraph:

''(C) SPECIAL RULE FOR CERTAIN RECYCLING FACILITIES.—A facility which recycles batteries or similar energy storage property described in subparagraph (A)(i) shall be treated as part of a manufacturing facility described in such subparagraph.''.

(c) DENIAL OF DOUBLE BENEFIT.—48C(f), as redesignated by this section, is amended by striking ''or 48B'' and inserting ''48B, 48F, 45Q, or 45X''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2022.

SEC. 136502. LABOR COSTS OF INSTALLING MECHANICAL INSULATION PROPERTY.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

''SEC. 45Z. LABOR COSTS OF INSTALLING MECHANICAL INSULATION PROPERTY.

''(a) IN GENERAL.—For purposes of section 38, the mechanical insulation labor costs credit determined under this section for any taxable year is an amount equal to 2 percent of the mechanical insulation labor costs paid or incurred by the taxpayer during such taxable year.

''(b) MECHANICAL INSULATION LABOR COSTS.—For purposes of this section—

''(1) IN GENERAL.—The term 'mechanical insulation labor costs' means the labor cost of installing mechanical insulation property with respect to a mechanical system referred to in paragraph (2)(A) which was originally placed in service not less than 1 year before the date on which such mechanical insulation property is installed.

''(2) MECHANICAL INSULATION PROPERTY.—The term 'mechanical insulation property' means insulation materials, and facings and accessory products installed in connection to such insulation materials—

''(A) placed in service in connection with a mechanical system which—

''(i) is located in the United States,

''(ii) is of a character subject to an allowance for depreciation, and

''(iii) meets the requirements of section 434.403 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this section), and

''(B) which result in a reduction in energy loss from the mechanical system which is greater than the expected reduction from the installation of insulation materials which meet the minimum requirements of Reference Standard 90.1 (as defined in section 179D(c)(2)).

''(c) WAGE AND APPRENTICESHIP REQUIREMENTS.—

''(1) IN GENERAL.—In the case of any project which meets the prevailing wage and apprenticeship requirements of this subsection, the amount of credit determined under subsection (a) shall be multiplied by 5.

''(2) WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(A) and clauses (i) through (iv) of section 45(b)(7)(B) shall apply.

''(3) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(d) TERMINATION.—This section shall not apply to mechanical insulation labor costs paid or incurred after December 31, 2025.''.

(b) CREDIT ALLOWED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b), as amended by

the preceding provisions of this Act, is further amended by striking ''plus'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', plus'', and by adding at the end the following new paragraph:

''(38) the mechanical insulation labor costs credit determined under section 45Z(a).''.

(c) CONFORMING AMENDMENTS.—

(1) Section 280C is amended by adding at the end the following new subsection:

''(i) MECHANICAL INSULATION LABOR COSTS CREDIT.—

''(1) IN GENERAL.—No deduction shall be allowed for that portion of the mechanical insulation labor costs (as defined in section 45Z(b)) otherwise allowable as deduction for the taxable year which is equal to the amount of the credit determined for such taxable year under section 45Z(a).

''(2) SIMILAR RULE WHERE TAXPAYER CAPITALIZES RATHER THAN DEDUCTS EXPENSES.—If—

''(A) the amount of the credit determined for the taxable year under section 45Z(a), exceeds

''(B) the amount of allowable as a deduction for such taxable year for mechanical insulation labor costs (determined without regard to paragraph (1)),

the amount chargeable to capital account for the taxable year for such costs shall be reduced by the amount of such excess.''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is further amended by adding at the end the following new item:

''Sec. 45Z. Labor costs of installing mechanical insulation property.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2021, in taxable years ending after such date.

SEC. 136503. ADVANCED MANUFACTURING INVESTMENT CREDIT.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 is amended by inserting after section 48D the following new section:

''SEC. 48E. ADVANCED MANUFACTURING INVESTMENT CREDIT.

''(a) ESTABLISHMENT OF CREDIT.—

''(1) IN GENERAL.—For purposes of section 46, the advanced manufacturing investment credit for any taxable year is an amount equal to the applicable percentage of the qualified investment for such taxable year with respect to any advanced manufacturing facility.

''(2) APPLICABLE PERCENTAGE.—

''(A) BASE AMOUNT.—In the case of any advanced manufacturing facility which does not satisfy the requirements described in clauses (i) and (ii) of subparagraph (B), the applicable percentage shall be 5 percent.

''(B) ALTERNATIVE AMOUNT.—In the case of any advanced manufacturing facility which—

''(i) subject to subparagraph (B) of subsection (c)(2), satisfies the requirements under subparagraph (A) of such subsection, and

''(ii) with respect to the construction of such facility, satisfies the apprenticeship requirements under subsection (c)(3),

the applicable percentage shall be 25 percent.

''(b) QUALIFIED INVESTMENT.—

''(1) IN GENERAL.—For purposes of subsection (a)(1), the qualified investment with respect to any advanced manufacturing facility for any taxable year is the basis of any qualified property placed in service by the taxpayer during such taxable year which is part of an advanced manufacturing facility.

''(2) QUALIFIED PROPERTY.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'qualified property' means property—

''(i) which is tangible property,

''(ii) with respect to which depreciation (or amortization in lieu of depreciation) is allowable,

''(iii) which is—

''(I) constructed, reconstructed, or erected by the taxpayer, or

''(II) acquired by the taxpayer if the original use of such property commences with the taxpayer, and

''(iv) which is integral to the operation of the advanced manufacturing facility.

''(B) BUILDINGS AND STRUCTURAL COMPONENTS.—

''(i) IN GENERAL.—The term 'qualified property' includes any building or its structural components which otherwise satisfy the requirements under subparagraph (A).

''(ii) EXCEPTION.—Clause (i) shall not apply with respect to a building or portion of a building used for offices, administrative services or other functions unrelated to manufacturing.

''(3) ADVANCED MANUFACTURING FACILITY.—For purposes of this subpart, the term 'advanced manufacturing facility' means a facility for which the primary purpose is the manufacturing of semiconductors or semiconductor tooling equipment.

''(4) COORDINATION WITH REHABILITATION CREDIT.—The qualified investment with respect to any advanced manufacturing facility for any taxable year shall not include that portion of the basis of any property which is attributable to qualified rehabilitation expenditures (as defined in section 47(c)(2)).

''(c) SPECIAL RULES.—

''(1) CERTAIN PROGRESS EXPENDITURE RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of subsection (a).

''(2) WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any facility are that the taxpayer shall ensure that any laborers and mechanics employed by contractors and subcontractors in—

''(i) the construction of such facility, and

''(ii) for any year during the 5-year period beginning on the date the facility is originally placed in service, the alteration or repair of such facility,

shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of clauses (i) through (iv) of section 45(b)(7)(B) shall apply.

''(C) RECAPTURE.—The Secretary shall, by regulations or other guidance, provide for recapturing the benefit of any increase in the credit allowed under paragraph (2)(B) of subsection (a), with respect to any project which does not satisfy the requirements under subparagraph (A) (after application of subparagraph (B)) for the period described in clause (ii) of subparagraph (A) (but which does not cease to be investment credit property within the meaning of section 50(a)). The period and percentage of such recapture shall be determined under rules similar to the rules of section 50(a).

''(3) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(4) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of establishing the requirements of this section.

''(d) TERMINATION OF CREDIT.—The credit allowed under this section shall not apply to facilities or property the construction of which begins after December 31, 2025.''.

(b) ELECTIVE PAYMENT OF CREDIT.—Section 6417(b), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

''(10) The advanced manufacturing investment credit determined under section 48E.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 46 is amended—

(A) by striking ''and'' at the end of paragraph (6),

(B) by striking the period at the end of paragraph (7) and inserting '', and'', and

(C) by adding at the end the following new paragraph:

''(8) the advanced manufacturing investment credit.''.

(2) Section 49(a)(1)(C) is amended—

(A) by striking ''and'' at the end of clause (vi),

(B) by striking the period at the end of clause (vii) and inserting '', and'', and

(C) by adding at the end the following new clause:

''(viii) the basis of any qualified property (as defined in section 48E(b)(2)) which is part of an advanced manufacturing facility.''.

(3) Section 50(a)(2)(E) is amended by striking ''or 48D(e)'' and inserting ''48D(e), or 48E(c)(1)''.

(4) The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 48D the following new item:

''48E. Advanced manufacturing investment credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2021 and, for any property the construction of which begins prior to January 1, 2022, only to the extent of the basis thereof attributable to the construction, reconstruction, or erection after December 31, 2021.

SEC. 136504. ADVANCED MANUFACTURING PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 45AA. ADVANCED MANUFACTURING PRODUCTION CREDIT.

''(a) IN GENERAL.—

''(1) ALLOWANCE OF CREDIT.—For purposes of section 38, the advanced manufacturing production credit for any taxable year is an amount equal to the sum of the credit amounts determined under subsection (b) with respect to each eligible component which is—

''(A) produced by such taxpayer, and

''(B) during the taxable year, sold by the taxpayer to an unrelated person.

''(2) PRODUCTION AND SALE MUST BE IN TRADE OR BUSINESS.—Any eligible component produced and sold by the taxpayer shall be taken into account only if the production and sale described in paragraph (1) is in a trade or business of the taxpayer.

''(3) UNRELATED PERSON.—For purposes of this subsection, a taxpayer shall be treated as selling components to an unrelated person if such component is sold to such person by a person related to the taxpayer.

''(b) CREDIT AMOUNT.—

''(1) IN GENERAL.—Subject to paragraph (3), the amount determined under this subsection with respect to any eligible component, including any eligible component it incorporates, shall be equal to—

''(A) in the case of a thin photovoltaic cell or a crystalline photovoltaic cell, an amount equal to the product of—

''(i) 4 cents, multiplied by

''(ii) the capacity of such cell (expressed on a per direct current watt basis),

''(B) in the case of a photovoltaic wafer, $12 per square meter,

''(C) in the case of solar grade polysilicon, $3 per kilogram,

''(D) in the case of a solar module, an amount equal to the product of—

''(i) 7 cents, multiplied by

''(ii) the capacity of such module (expressed on a per direct current watt basis), and

''(E) in the case of a wind energy component, an amount equal to the product of—

''(i) the applicable amount with respect to such component, multiplied by

''(ii) the total rated capacity (expressed on a per watt basis) of the completed wind turbine for which such component is designed.

''(2) APPLICABLE AMOUNT.—For purposes of paragraph (1)(E), the applicable amount with respect to any wind energy component shall be—

''(A) in the case of a blade, 2 cents,

''(B) in the case of a nacelle, 5 cents,

''(C) in the case of a tower, 3 cents, and

''(D) in the case of an offshore wind foundation—

''(i) which uses a fixed platform, 2 cents, or

''(ii) which uses a floating platform, 4 cents.

''(3) PHASE OUT.—

''(A) IN GENERAL.—In the case of any eligible component sold after December 31, 2026, the amount determined under this subsection with respect to such component shall be equal to the product of—

''(i) the amount determined under paragraph (1) with respect to such component, as determined without regard to this paragraph, multiplied by

''(ii) the phase out percentage under subparagraph (B).

''(B) PHASE OUT PERCENTAGE.—The phase out percentage under this subparagraph is equal to—

''(i) in the case of an eligible component sold during calendar year 2027, 75 percent,

''(ii) in the case of an eligible component sold during calendar year 2028, 50 percent,

''(iii) in the case of an eligible component sold during calendar year 2029, 25 percent,

''(iv) in the case of an eligible component sold after December 31, 2029, 0 percent.

''(c) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE COMPONENT.—

''(A) IN GENERAL.—The term 'eligible component' means—

''(i) any solar energy component, and

''(ii) any wind energy component.

''(B) APPLICATION WITH OTHER CREDITS.—The term 'eligible component' shall not include any property which is produced at a facility if the basis of any property which is part of such facility is taken into account for purposes of the credit allowed under section 48C or 48E after the date of the enactment of this section.

''(2) SOLAR ENERGY COMPONENT.—

''(A) IN GENERAL.—The term 'solar energy component' means any of the following:

''(i) Solar modules.

''(ii) Photovoltaic cells.

''(iii) Photovoltaic wafers.

''(iv) Solar grade polysilicon.

''(B) ASSOCIATED DEFINITIONS.—

''(i) PHOTOVOLTAIC CELL.—The term 'photovoltaic cell' means the smallest semiconductor element of a solar module which performs the immediate conversion of light into electricity.

''(ii) PHOTOVOLTAIC WAFER.—The term 'photovoltaic wafer' means a thin slice, sheet, or layer of semiconductor material of at least 240 square centimeters produced by a single manufacturer—

''(I) either—

''(aa) directly from molten or evaporated solar grade polysilicon or deposition of solar grade thin film semiconductor photon absorber layer, or

''(bb) through formation of an ingot from molten polysilicon and subsequent slicing, and

''(II) which comprises the substrate or absorber layer of one or more photovoltaic cells.

''(iii) SOLAR GRADE POLYSILICON.—The term 'solar grade polysilicon' means silicon which is—

''(I) suitable for use in photovoltaic manufacturing, and

''(II) purified to a minimum purity of 99.999999 percent silicon by mass.

''(iv) SOLAR MODULE.—The term 'solar module' means the connection and lamination of photovoltaic cells into an environmentally protected final assembly which is—

''(I) suitable to generate electricity when exposed to sunlight, and

''(II) ready for installation without an additional manufacturing process.

''(3) WIND ENERGY COMPONENT.—

''(A) IN GENERAL.—The term 'wind energy component' means any of the following:

''(i) Blades.

''(ii) Nacelles.

''(iii) Towers.

''(iv) Offshore wind foundations.

''(B) ASSOCIATED DEFINITIONS.—

''(i) BLADE.—The term 'blade' means an airfoil-shaped blade which is responsible for converting wind energy to low-speed rotational energy.

''(ii) OFFSHORE WIND FOUNDATION.—The term 'offshore wind foundation' means the component which secures an offshore wind tower and any above-water turbine components to the seafloor using—

''(I) fixed platforms, such as offshore wind monopiles, jackets, or gravity-based foundations, or

''(II) floating platforms and associated mooring systems.

''(iii) NACELLE.—The term 'nacelle' means the assembly of the drivetrain and other tower-top components of a wind turbine (with the exception of the blades and the hub) within their cover housing.

''(iv) TOWER.—The term 'tower' means a tubular or lattice structure which supports the nacelle and rotor of a wind turbine.

''(d) SPECIAL RULES.—In this section—

''(1) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b).

''(2) ONLY PRODUCTION IN THE UNITED STATES TAKEN INTO ACCOUNT.—Sales shall be taken into account under this section only with respect to eligible components the production of which is within—

''(A) the United States (within the meaning of section 638(1)), or

''(B) a possession of the United States (within the meaning of section 638(2)).

''(3) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(4) CREDIT EQUAL TO 10 PERCENT OF THE CREDIT AMOUNT FOR UNION FACILITIES.—In the case of a facility operating under a collective bargaining agreement negotiated by an employee organization (as defined in section 412(c)(4)), determined in a manner consistent with section 7701(a)(46), for purposes of determining the amount of the credit under subsection (a) with respect to eligible components produced by such facility, the applicable amount under subsection (b) of such subsection shall be increased by an amount equal to 10 percent of the amount otherwise in effect under such subsection.

''(5) SALE OF INTEGRATED COMPONENTS.—For purposes of this section, a person shall be treated as having sold an eligible component if such component is integrated, incorporated, or assembled into another eligible component which is sold to an unrelated person.''.

(b) ELECTIVE PAYMENT OF CREDIT.—Section 6417(b), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

''(11) The credit for advanced manufacturing production under section 45AA.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 38(b) of the Internal Revenue Code of 1986 is amended—

(A) in paragraph (37), by striking ''plus'' at the end,

(B) in paragraph (38), by striking the period at the end and inserting '', plus'', and

(C) by adding at the end the following new paragraph:

''(39) the advanced manufacturing production credit determined under section 45AA(a).''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 45AA. Advanced manufacturing production credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to components produced and sold after December 31, 2021.

PART 6—ENVIRONMENTAL JUSTICE

SEC. 136601. QUALIFIED ENVIRONMENTAL JUSTICE PROGRAM CREDIT.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by inserting after section 36F the following new section:

''SEC. 36G. QUALIFIED ENVIRONMENTAL JUSTICE PROGRAMS.

''(a) ALLOWANCE OF CREDIT.—In the case of an eligible educational institution, there shall be allowed as a credit against the tax imposed by this subtitle for any taxable year an amount equal to the applicable percentage of the amounts paid or incurred by such taxpayer during such taxable year which are necessary for a qualified environmental justice program.

''(b) QUALIFIED ENVIRONMENTAL JUSTICE PROGRAM.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified environmental justice program' means a program conducted by one or more eligible educational institutions that is designed to address, or improve data about, qualified environmental stressors for the primary purpose of improving, or facilitating the improvement of, health and economic outcomes of individuals residing in low-income areas or areas that experience, or are at risk of experiencing, multiple exposures to qualified environmental stressors.

''(2) QUALIFIED ENVIRONMENTAL STRESSOR.—The term 'qualified environmental stressor' means, with respect to an area, a contamination of the air, water, soil, or food with respect to such area or a change relative to historical norms of the weather conditions of such area, including—

''(A) toxic pollutants (such as lead, pesticides, or fine particulate matter) in air, soil, food, or water,

''(B) high rates of asthma prevalence and incidence, and

''(C) such other adverse human health or environmental effects as are identified by the Secretary.

''(c) ELIGIBLE EDUCATIONAL INSTITUTION.—For purposes of this section, the term 'eligible educational institution' means an institution of higher education (as such term is defined in section 101 or 102(c) of the Higher Education Act of 1965) that is eligible to participate in a program under title IV of such Act.

''(d) APPLICABLE PERCENTAGE.—For purposes of this section, the term 'applicable percentage' means—

''(1) in the case of a program involving material participation of faculty and students of an institution described in section 371(a) of the Higher Education Act of 1965, 30 percent, and

''(2) in all other cases, 20 percent.

''(e) CREDIT ALLOCATION.—

''(1) ALLOCATION.—

''(A) IN GENERAL.—The Secretary shall allocate credit dollar amounts under this section to eligible educational institutions, for qualified environmental justice programs, that—

''(i) submit applications at such time and in such manner as the Secretary may provide, and

''(ii) are selected by the Secretary under subparagraph (B).

''(B) SELECTION CRITERIA.—The Secretary shall select applications on the basis of the following criteria:

''(i) The extent of participation of faculty and students of an institution described in section 371(a) of the Higher Education Act of 1965.

''(ii) The extent of the expected effect on the health or economic outcomes of individuals residing in areas within the United States that are low-income areas or areas that experience, or are at risk of experiencing, multiple exposures to qualified environmental stressors.

''(iii) The creation or significant expansion of qualified environmental justice programs.

''(2) LIMITATIONS.—

''(A) IN GENERAL.—The amount of the credit determined under this section for any taxable year to any eligible educational institution for any qualified environmental justice program shall not exceed the excess of—

''(i) the credit dollar amount allocated to such institution for such program under this subsection, over

''(ii) the credits previously claimed by such institution for such program under this section.

''(B) FIVE-YEAR LIMITATION.—No amounts paid or incurred after the 5-year period beginning on the date a credit dollar amount is allocated to an eligible educational institution for a qualified environmental justice program shall be taken into account under subsection (a) with respect to such institution for such program.

''(C) ALLOCATION LIMITATION.—The total amount of credits that may be allocated under the program shall not exceed—

''(i) $1,000,000,000 for each of taxable years 2022 through 2031, and

''(ii) $0 for each subsequent year.

''(D) CARRYOVER OF UNUSED LIMITATION.—If the annual credit limitation for any calendar year exceeds the aggregate amount designated for such year under this subsection, such limitation for the succeeding calendar year shall be increased by the amount of such excess. No amount may be carried under the preceding sentence to any calendar year after 2036.

''(f) REQUIREMENTS.—

''(1) IN GENERAL.—An eligible educational institution that has been allocated credit dollar amounts under this section for a qualified environmental justice project for a taxable year shall—

''(A) make publicly available the application submitted to the Secretary under subsection (e) with respect to such project, and

''(B) submit an annual report to the Secretary that describes the amounts paid or incurred for, and expected impact of, such project.

''(2) FAILURE TO COMPLY.—In the case of an eligible educations institution that has failed to comply with the requirements of this subsection, the credit dollar amount allocated to such institution under this section is deemed to be $0.

''(g) PUBLIC DISCLOSURE.—The Secretary, upon making an allocation of credit dollar amounts under this section, shall publicly disclose—

''(1) the identity of the eligible educational institution receiving the allocation, and

''(2) the amount of such allocation.''.

(b) GROSS-UP OF PAYMENTS IN CASE OF SEQUESTRATION.—In the case of any payment made as a refund due to an overpayment as a result of section 36G of the Internal Revenue Code of 1986 made after the date of the enactment of this Act to which sequestration applies, the amount of such payment shall be increased to an amount equal to—

(1) such payment (determined before such sequestration), multiplied by

(2) the quotient obtained by dividing 1 by the amount by which 1 exceeds the percentage reduction in such payment pursuant to such sequestration.

For purposes of this subsection, the term ''sequestration'' means any reduction in direct spending ordered in accordance with a sequestration report prepared by the Director of the Office and Management and Budget pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 or the Statutory Pay-As-You-Go Act of 2010.

(c) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4)(A), as amended by the preceding provisions of this Act, is amended by inserting ''36G,'' after ''36F,''.

(2) Paragraph (2) of section 1324(b) of title 31, United States Code, as amended by the preceding provisions of this Act, is amended by inserting ''36G,'' after ''36F,''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart C of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by inserting after the item relating to section 36F the following new item:

''Sec. 36G. Qualified environmental justice programs.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2022.

PART 7—SUPERFUND

SEC. 136701. REINSTATEMENT OF SUPERFUND.

(a) HAZARDOUS SUBSTANCE SUPERFUND FINANCING RATE.—

(1) EXTENSION.—Section 4611(e) is amended to read as follows:

''(e) APPLICATION OF HAZARDOUS SUBSTANCE SUPERFUND FINANCING RATE.—The Hazardous Substance Superfund financing rate under this section shall apply after June 30, 2022.''.

(2) ADJUSTMENT FOR INFLATION.—

(A) Section 4611(c)(2)(A) is amended by striking ''9.7 cents'' and inserting ''16.4 cents''.

(B) Section 4611(c) is amended by adding at the end the following:

''(3) ADJUSTMENT FOR INFLATION.—

''(A) IN GENERAL.—In the case of a year beginning after 2022, the amount in paragraph (2)(A) shall be increased by an amount equal to—

''(i) such amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2021' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $0.01, such amount shall be rounded to the next lowest multiple of $0.01.''.

(b) AUTHORITY FOR ADVANCES.—Section 9507(d)(3)(B) is amended by striking ''December 31, 1995'' and inserting ''December 31, 2031''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2022.

PART 8—INCENTIVES FOR CLEAN ELECTRICITY AND CLEAN TRANSPORTATION

SEC. 136801. CLEAN ELECTRICITY PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 45BB. CLEAN ELECTRICITY PRODUCTION CREDIT.

''(a) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—For purposes of section 38, the clean electricity production credit for any taxable year is an amount equal to the product of—

''(A) the kilowatt hours of electricity—

''(i) produced by the taxpayer at a qualified facility, and

''(ii)(I) sold by the taxpayer to an unrelated person during the taxable year, or

''(II) in the case of a qualified facility which is equipped with a metering device which is owned and operated by an unrelated person, sold, consumed, or stored by the taxpayer during the taxable year, multiplied by

''(B) the applicable amount with respect to such qualified facility.

''(2) APPLICABLE AMOUNT.—

''(A) BASE AMOUNT.—Subject to subsection (g)(7), in the case of any qualified facility which is not described in clause (i) of subparagraph (B) and does not satisfy the requirements described in clause (ii) of such subparagraph, the applicable amount shall be 0.3 cents.

''(B) ALTERNATIVE AMOUNT.—Subject to subsection (g)(7), in the case of any qualified facility—

''(i) with a maximum net output of less than 1 megawatt, or

''(ii) which—

''(I) satisfies the requirements under paragraph (9) of subsection (g), and

''(II) with respect to the construction of such facility, satisfies the requirements under paragraph (10) of subsection (g),

the applicable amount shall be 1.5 cents.

''(b) QUALIFIED FACILITY.—

''(1) IN GENERAL.—

''(A) DEFINITION.—Subject to subparagraphs (B), (C), and (D), the term 'qualified facility' means a facility owned by the taxpayer—

''(i) which is used for the generation of electricity,

''(ii) the construction of which begins after December 31, 2026, and

''(iii) for which the greenhouse gas emissions rate (as determined under paragraph (2)) is not greater than zero.

''(B) 10-YEAR PRODUCTION CREDIT.—For purposes of this section, a facility shall only be treated as a qualified facility during the 10-year period beginning on the date the facility was originally placed in service.

''(C) EXPANSION OF FACILITY; INCREMENTAL PRODUCTION.—The term 'qualified facility' shall include either of the following in connection with a facility described in subparagraph (A) (without regard to clause (ii) of such subparagraph) the construction of which begins before January 1, 2027, but only to the extent of the increased amount of electricity produced at the facility by reason of the following:

''(i) A new unit the construction of which begins after December 31, 2026.

''(ii) Any additions of capacity the construction of which begins after December 31, 2026.

''(D) COORDINATION WITH OTHER CREDITS.—The term 'qualified facility' shall not include any facility for which a credit determined under section 45, 45J, 45Q, 48, 48A, or 48F is allowed under section 38 for the taxable year or any prior taxable year.

''(2) GREENHOUSE GAS EMISSIONS RATE.—

''(A) IN GENERAL.—For purposes of this section, the term 'greenhouse gas emissions rate' means the amount of greenhouse gases emitted into the atmosphere by a facility in the production of electricity, expressed as grams of CO_2e per KWh.

''(B) FUEL COMBUSTION AND GASIFICATION.—In the case of a facility which produces electricity through combustion or gasification, the greenhouse gas emissions rate for such facility shall be equal to the net rate of greenhouse gases emitted into the atmosphere by such facility (taking into account lifecycle greenhouse gas emissions, as described in section 211(o)(1)(H) of the Clean Air Act (42 U.S.C. 7545(o)(1)(H))) in the production of electricity, expressed as grams of CO_2e per KWh.

''(C) ESTABLISHMENT OF EMISSIONS RATES FOR FACILITIES.—

''(i) PUBLISHING EMISSIONS RATES.—The Secretary shall annually publish a table that sets forth the greenhouse gas emissions rates for types or categories of facilities, which a taxpayer shall use for purposes of this section.

''(ii) PROVISIONAL EMISSIONS RATE.—In the case of any facility for which an emissions rate has not been established by the Secretary, a taxpayer which owns such facility may file a petition with the Secretary for determination of the emissions rate with respect to such facility.

''(D) CARBON CAPTURE AND SEQUESTRATION EQUIPMENT.—For purposes of this subsection, the amount of greenhouse gases emitted into the atmosphere by a facility in the production of electricity shall not include any qualified carbon dioxide that is captured by the taxpayer and—

''(i) pursuant to any regulations established under paragraph (2) of section 45Q(f), disposed

of by the taxpayer in secure geological storage, or

''(ii) utilized by the taxpayer in a manner described in paragraph (5) of such section.

''(c) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of a calendar year beginning after 2021, the 0.3 cent amount in paragraph (2)(A) of subsection (a) and the 1.5 cent amount in paragraph (2)(B) of such subsection shall each be adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the sale or use of the electricity occurs. If the 0.3 cent amount as increased under this paragraph is not a multiple of 0.05 cent, such amount shall be rounded to the nearest multiple of 0.05 cent. If the 1.5 cent amount as increased under this paragraph is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

''(2) ANNUAL COMPUTATION.—The Secretary shall, not later than April 1 of each calendar year, determine and publish in the Federal Register the inflation adjustment factor for such calendar year in accordance with this subsection.

''(3) INFLATION ADJUSTMENT FACTOR.—The term 'inflation adjustment factor' means, with respect to a calendar year, a fraction the numerator of which is the GDP implicit price deflator for the preceding calendar year and the denominator of which is the GDP implicit price deflator for the calendar year 1992. The term 'GDP implicit price deflator' means the most recent revision of the implicit price deflator for the gross domestic product as computed and published by the Department of Commerce before March 15 of the calendar year.

''(d) CREDIT PHASE-OUT.—

''(1) IN GENERAL.—The amount of the clean electricity production credit under subsection (a) for any qualified facility the construction of which begins during a calendar year described in paragraph (2) shall be equal to the product of—

''(A) the amount of the credit determined under subsection (a) without regard to this subsection, multiplied by

''(B) the phase-out percentage under paragraph (2).

''(2) PHASE-OUT PERCENTAGE.—The phase-out percentage under this paragraph is equal to—

''(A) for a facility the construction of which begins during the first calendar year following the applicable year, 100 percent,

''(B) for a facility the construction of which begins during the second calendar year following the applicable year, 75 percent,

''(C) for a facility the construction of which begins during the third calendar year following the applicable year, 50 percent, and

''(D) for a facility the construction of which begins during any calendar year subsequent to the calendar year described in subparagraph (C), 0 percent.

''(3) APPLICABLE YEAR.—For purposes of this subsection, the term 'applicable year' means the later of—

''(A) the calendar year in which the Secretary determines that the annual greenhouse gas emissions from the production of electricity in the United States are equal to or less than 25 percent of the annual greenhouse gas emissions from the production of electricity in the United States for calendar year 2021, or

''(B) 2031.

''(e) DEFINITIONS.—For purposes of this section:

''(1) CO_2e PER KWh.—The term 'CO_2e per KWh' means, with respect to any greenhouse gas, the equivalent carbon dioxide (as determined based on global warming potential) per kilowatt hour of electricity produced.

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' has the same meaning given such term under section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)), as in effect on the date of the enactment of this section.

''(3) QUALIFIED CARBON DIOXIDE.—The term 'qualified carbon dioxide' means carbon dioxide captured from an industrial source which—

''(A) would otherwise be released into the atmosphere as industrial emission of greenhouse gas,

''(B) is measured at the source of capture and verified at the point of disposal or utilization, and

''(C) is captured and disposed or utilized within the United States (within the meaning of section 638(1)) or a possession of the United States (within the meaning of section 638(2)).

''(f) GUIDANCE.—Not later than January 1, 2027, the Secretary shall issue guidance regarding implementation of this section, including calculation of greenhouse gas emission rates for qualified facilities and determination of clean electricity production credits under this section.

''(g) SPECIAL RULES.—

''(1) ONLY PRODUCTION IN THE UNITED STATES TAKEN INTO ACCOUNT.—Consumption or sales shall be taken into account under this section only with respect to electricity the production of which is within—

''(A) the United States (within the meaning of section 638(1)), or

''(B) a possession of the United States (within the meaning of section 638(2)).

''(2) COMBINED HEAT AND POWER SYSTEM PROPERTY.—

''(A) IN GENERAL.—For purposes of subsection (a)—

''(i) the kilowatt hours of electricity produced by a taxpayer at a qualified facility shall include any production in the form of useful thermal energy by any combined heat and power system property within such facility, and

''(ii) the amount of greenhouse gases emitted into the atmosphere by such facility in the production of such useful thermal energy shall be included for purposes of determining the greenhouse gas emissions rate for such facility.

''(B) COMBINED HEAT AND POWER SYSTEM PROPERTY.—For purposes of this paragraph, the term 'combined heat and power system property' has the same meaning given such term by section 48(c)(3) (without regard to subparagraphs (A)(iv), (B), and (D) thereof).

''(C) CONVERSION FROM BTU TO KWH.—

''(i) IN GENERAL.—For purposes of subparagraph (A)(i), the amount of kilowatt hours of electricity produced in the form of useful thermal energy shall be equal to the quotient of—

''(I) the total useful thermal energy produced by the combined heat and power system property within the qualified facility, divided by

''(II) the heat rate for such facility.

''(ii) HEAT RATE.—For purposes of this subparagraph, the term 'heat rate' means the amount of energy used by the qualified facility to generate 1 kilowatt hour of electricity, expressed as British thermal units per net kilowatt hour generated.

''(3) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a qualified facility in which more than 1 person has an ownership interest, except to the extent provided in regulations prescribed by the Secretary, production from the facility shall be allocated among such persons in proportion to their respective ownership interests in the gross sales from such facility.

''(4) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b). In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated return, such corporation shall be treated as selling electricity to an unrelated person if such electricity is sold to such a person by another member of such group.

''(5) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(6) ALLOCATION OF CREDIT TO PATRONS OF AGRICULTURAL COOPERATIVE.—

''(A) ELECTION TO ALLOCATE.—

''(i) IN GENERAL.—In the case of an eligible cooperative organization, any portion of the credit determined under subsection (a) for the taxable year may, at the election of the organization, be apportioned among patrons of the organization on the basis of the amount of business done by the patrons during the taxable year.

''(ii) FORM AND EFFECT OF ELECTION.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year. Such election shall not take effect unless the organization designates the apportionment as such in a written notice mailed to its patrons during the payment period described in section 1382(d).

''(B) TREATMENT OF ORGANIZATIONS AND PATRONS.—The amount of the credit apportioned to any patrons under subparagraph (A)—

''(i) shall not be included in the amount determined under subsection (a) with respect to the organization for the taxable year, and

''(ii) shall be included in the amount determined under subsection (a) for the first taxable year of each patron ending on or after the last day of the payment period (as defined in section 1382(d)) for the taxable year of the organization or, if earlier, for the taxable year of each patron ending on or after the date on which the patron receives notice from the cooperative of the apportionment.

''(C) SPECIAL RULES FOR DECREASE IN CREDITS FOR TAXABLE YEAR.—If the amount of the credit of a cooperative organization determined under subsection (a) for a taxable year is less than the amount of such credit shown on the return of the cooperative organization for such year, an amount equal to the excess of—

''(i) such reduction, over

''(ii) the amount not apportioned to such patrons under subparagraph (A) for the taxable year,

shall be treated as an increase in tax imposed by this chapter on the organization. Such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter.

''(D) ELIGIBLE COOPERATIVE DEFINED.—For purposes of this section, the term 'eligible cooperative' means a cooperative organization described in section 1381(a) which is owned more than 50 percent by agricultural producers or by entities owned by agricultural producers. For this purpose an entity owned by an agricultural producer is one that is more than 50 percent owned by agricultural producers.

''(7) INCREASE IN CREDIT IN CERTAIN CASES.—

''(A) ENERGY COMMUNITIES.—In the case of any qualified facility which is located in an energy community (as defined in section 45(b)(11)(B)), for purposes of determining the amount of the credit under subsection (a) with respect to any electricity produced by the taxpayer at such facility during the taxable year, the applicable amount under paragraph (2) of such subsection shall be increased by an amount equal to 10 percent of the amount otherwise in effect under such paragraph (without application of subparagraph (B)).

''(B) DOMESTIC CONTENT.—Rules similar to the rules of section 45(b)(9) shall apply.

''(8) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Rules similar to the rules of section 45(b)(3) shall apply.

''(9) WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(A) and clauses (i) through (iv) of section 45(b)(7)(B) shall apply.

''(10) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(11) DOMESTIC CONTENT REQUIREMENT FOR ELECTIVE PAYMENT.—Rules similar to the rules of section 45(b)(10) shall apply.''.

(b) ELECTIVE PAYMENT OF CREDIT.—Section 6417(b), as amended by preceding provisions of this Act, is amended by adding at the end the following new paragraph:

''(12) The clean electricity production credit determined under section 45BB(a).''.

(c) ELECTION.—Section 6417(c)(3), as amended by the preceding provisions of this Act, is

amended by adding at the end the following new subparagraph:

''(D) CLEAN ELECTRICITY PRODUCTION CREDIT.—In the case of the credit described in subsection (b)(10), any election under this subsection shall—

''(i) apply separately with respect to each qualified facility,

''(ii) be made for the taxable year in which the facility is placed in service, and

''(iii) shall apply to such taxable year and all subsequent taxable years with respect to such facility.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 38(b) is amended—

(A) in paragraph (38), by striking ''plus'' at the end,

(B) in paragraph (39), by striking the period at the end and inserting '', plus'', and

(C) by adding at the end the following new paragraph:

''(40) the clean electricity production credit determined under section 45BB(a).''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 45BB. Clean electricity production credit.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities placed in service after December 31, 2022.

SEC. 136802. CLEAN ELECTRICITY INVESTMENT CREDIT.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 is amended by inserting after section 48E the following new section:

''SEC. 48F. CLEAN ELECTRICITY INVESTMENT CREDIT.

''(a) INVESTMENT CREDIT FOR QUALIFIED PROPERTY.—

''(1) IN GENERAL.—For purposes of section 46, the clean electricity investment credit for any taxable year is an amount equal to the applicable percentage of the qualified investment for such taxable year with respect to—

''(A) any qualified facility, and

''(B) any grid improvement property.

''(2) APPLICABLE PERCENTAGE.—

''(A) QUALIFIED FACILITIES.—Subject to paragraph (3)—

''(i) BASE RATE.—In the case of any qualified facility which is not described in subclause (I) of clause (ii) and does not satisfy the requirements described in subclause (II) of such clause, the applicable percentage shall be 6 percent.

''(ii) ALTERNATIVE RATE.—In the case of any qualified facility—

''(I) with a maximum net output of less than 1 megawatt, or

''(II) which—

''(aa) satisfies the requirements of subsection (d)(3), and

''(bb) with respect to the construction of such facility, satisfies the requirements of subsection (d)(4),

the applicable percentage shall be 30 percent.

''(B) GRID IMPROVEMENT PROPERTY.—Subject to paragraph (3)—

''(i) BASE RATE.—In the case of any grid improvement property which is not described in subclause (I) of clause (ii) and does not satisfy the requirements described in subclause (II) of such clause, the applicable percentage shall be 6 percent.

''(ii) ALTERNATIVE RATE.—In the case of any grid improvement property—

''(I) which is energy storage property with a capacity of less than 1 megawatt, or

''(II) which—

''(aa) satisfies the requirements of subsection (d)(3), and

''(bb) with respect to the construction of such property, satisfies rules similar to the rules of section 45(b)(8),

the applicable percentage shall be 30 percent.

''(3) INCREASE IN CREDIT RATE IN CERTAIN CASES.—

''(A) ENERGY COMMUNITIES.—

''(i) IN GENERAL.—In the case of any qualified investment with respect to a qualified facility or with respect to grid improvement property which is placed in service within an energy community (as defined in section 45(b)(11)(B)), for purposes applying paragraph (2) with respect to such property or investment, the applicable percentage shall be increased by the applicable credit rate increase.

''(ii) APPLICABLE CREDIT RATE INCREASE.—For purposes of clause (i), the applicable credit rate increase shall be an amount equal to—

''(I) in the case of any qualified investment with respect to a qualified facility described in paragraph (2)(A)(i) or with respect to grid improvement property described in paragraph (2)(B)(i), 2 percentage points, and

''(II) in the case of any qualified investment with respect to a qualified facility described in paragraph (2)(A)(ii) or with respect to grid improvement property described in paragraph (2)(B)(ii), 10 percentage points.

''(B) DOMESTIC CONTENT.—Rules similar to the rules of section 48(a)(12) shall apply.

''(b) QUALIFIED INVESTMENT WITH RESPECT TO A QUALIFIED FACILITY.—

''(1) IN GENERAL.—For purposes of subsection (a), the qualified investment with respect to any qualified facility for any taxable year is the sum of—

''(A) the basis of any qualified property placed in service by the taxpayer during such taxable year which is part of a qualified facility, plus

''(B) the amount of any expenditures which are—

''(i) paid or incurred by the taxpayer for qualified interconnection property—

''(I) in connection with a qualified facility which has a maximum net output of not greater than 5 megawatts, and

''(II) placed in service during the taxable year of the taxpayer, and

''(ii) properly chargeable to capital account of the taxpayer.

''(2) QUALIFIED PROPERTY.—The term 'qualified property' means property—

''(A) which is—

''(i) tangible personal property, or

''(ii) other tangible property (not including a building or its structural components), but only if such property is used as an integral part of the qualified facility,

''(B) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

''(C)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

''(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer.

''(3) QUALIFIED FACILITY.—

''(A) IN GENERAL.—For purposes of this section, the term 'qualified facility' means a facility—

''(i) which is used for the generation of electricity,

''(ii) the construction of which begins after December 31, 2026, and

''(iii) for which the anticipated greenhouse gas emissions rate (as determined under subparagraph (B)(ii)) is not greater than zero.

''(B) ADDITIONAL RULES.—

''(i) EXPANSION OF FACILITY; INCREMENTAL PRODUCTION.—Rules similar to the rules of section 45BB(b)(1)(C) shall apply for purposes of this paragraph.

''(ii) GREENHOUSE GAS EMISSIONS RATE.—Rules similar to the rules of section 45BB(b)(2) shall apply for purposes of this paragraph.

''(C) EXCLUSION.—The term 'qualified facility' shall not include any facility for which—

''(i) a renewable electricity production credit determined under section 45,

''(ii) an advanced nuclear power facility production credit determined under section 45J,

''(iii) a carbon oxide sequestration credit determined under section 45Q,

''(iv) a clean electricity production credit determined under section 45BB,

''(v) an energy credit determined under section 48,

''(vi) a qualifying advanced coal project credit under section 48A, or

''(vii) a qualifying electric transmission property credit under section 48D,

is allowed under section 38 for the taxable year or any prior taxable year.

''(4) QUALIFIED INTERCONNECTION PROPERTY.—For purposes of this paragraph, the term 'qualified interconnection property' has the meaning given such term in section 48(a)(8)(B).

''(5) COORDINATION WITH REHABILITATION CREDIT.—The qualified investment with respect to any qualified facility for any taxable year shall not include that portion of the basis of any property which is attributable to qualified rehabilitation expenditures (as defined in section 47(c)(2)).

''(6) DEFINITIONS.—For purposes of this subsection, the terms 'CO2e per KWh' and 'greenhouse gas emissions rate' have the same meaning given such terms under section 45BB(b).

''(c) QUALIFIED INVESTMENT WITH RESPECT TO GRID IMPROVEMENT PROPERTY.—

''(1) IN GENERAL.—

''(A) QUALIFIED INVESTMENT.—For purposes of subsection (a), the qualified investment with respect to grid improvement property for any taxable year is the basis of any grid improvement property placed in service by the taxpayer during such taxable year.

''(B) GRID IMPROVEMENT PROPERTY.—For purposes of this section, the term 'grid improvement property' means any energy storage property.

''(2) ENERGY STORAGE PROPERTY.—For purposes of this section, the term 'energy storage property' has the meaning given such term in section 48(c)(6).

''(d) SPECIAL RULES.—

''(1) CERTAIN PROGRESS EXPENDITURE RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of subsection (a).

''(2) SPECIAL RULE FOR PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING OR PRIVATE ACTIVITY BONDS.—Rules similar to the rules of section 45(b)(3) shall apply.

''(3) PREVAILING WAGE REQUIREMENTS.—Rules similar to the rules of section 48(a)(10) shall apply.

''(4) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(5) DOMESTIC CONTENT REQUIREMENT FOR ELECTIVE PAYMENT.—Rules similar to the rules of section 45(b)(10) shall apply.

''(e) CREDIT PHASE-OUT.—

''(1) IN GENERAL.—The amount of the clean electricity investment credit under subsection (a) for any qualified investment with respect to any qualified facility or grid improvement property the construction of which begins during a calendar year described in paragraph (2) shall be equal to the product of—

''(A) the amount of the credit determined under subsection (a) without regard to this subsection, multiplied by

''(B) the phase-out percentage under paragraph (2).

''(2) PHASE-OUT PERCENTAGE.—The phase-out percentage under this paragraph is equal to—

''(A) for any qualified investment with respect to any qualified facility or grid improvement property the construction of which begins during the first calendar year following the applicable year, 100 percent,

''(B) for any qualified investment with respect to any qualified facility or grid improvement property the construction of which begins during the second calendar year following the applicable year, 75 percent,

''(C) for any qualified investment with respect to any qualified facility or grid improvement property the construction of which begins during the third calendar year following the applicable year, 50 percent, and

''(D) for any qualified investment with respect to any qualified facility or grid improvement property the construction of which begins during any calendar year subsequent to the calendar year described in subparagraph (C), 0 percent.

''(3) APPLICABLE YEAR.—For purposes of this subsection, the term 'applicable year' has the same meaning given such term in section 45BB(d)(3).

''(f) GREENHOUSE GAS.—In this section, the term 'greenhouse gas' has the same meaning given such term under section 45BB(e)(2).

''(g) RECAPTURE OF CREDIT.—For purposes of section 50, if the Secretary determines that the greenhouse gas emissions rate for a qualified facility is greater than 10 grams of CO_2e per KWh, any property for which a credit was allowed under this section with respect to such facility shall cease to be investment credit property in the taxable year in which the determination is made.

''(h) GUIDANCE.—Not later than January 1, 2027, the Secretary shall issue guidance regarding implementation of this section.''.

(b) ELECTIVE PAYMENT OF CREDIT.—Section 6417(b), as amended by preceding provisions of this Act, is amended by adding at the end the following new paragraph:

''(13) The clean electricity investment credit determined under section 48F.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 46 is amended—

(A) by striking ''and'' at the end of paragraph (5),

(B) by striking the period at the end of paragraph (6) and inserting '', and'', and

(C) by adding at the end the following new paragraph:

''(7) the clean electricity investment credit.''.

(2) Section 49(a)(1)(C) is amended—

(A) by striking ''and'' at the end of clause (iv),

(B) by striking the period at the end of clause (v) and inserting a comma, and

(C) by adding at the end the following new clauses:

''(vi) the basis of any qualified property which is part of a qualified facility under section 48F, and

''(vii) the basis of any energy storage property under section 48F.''.

(3) Section 50(a)(2)(E) is amended by striking ''or 48E(c)(1)'' and inserting ''48E(c)(1), or 48F(e)''.

(4) Section 50(c)(3) is amended by inserting ''or clean electricity investment credit'' after ''In the case of any energy credit''.

(5) The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 48E the following new item:

''48F. Clean electricity investment credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2026, and, for any property the construction of which begins prior to January 1, 2027, only to the extent of the basis thereof attributable to the construction, reconstruction, or erection after December 31, 2026.

SEC. 136803. INCREASE IN CLEAN ELECTRICITY INVESTMENT CREDIT FOR FACILITIES PLACED IN SERVICE IN CONNECTION WITH LOW-INCOME COMMUNITIES.

(a) IN GENERAL.—Section 48F, as added by this Act, is amended by adding at the end the following new subsection:

''(i) SPECIAL RULES FOR CERTAIN FACILITIES PLACED IN SERVICE IN CONNECTION WITH LOW-INCOME COMMUNITIES.—

''(1) IN GENERAL.—In the case of any qualified facility with respect to which the Secretary makes an allocation of environmental justice capacity limitation under paragraph (4)—

''(A) the applicable percentage otherwise determined under subsection (a)(2) with respect to any eligible property which is part of such facility shall be increased by—

''(i) in the case of a facility described in subclause (I) of paragraph (2)(A)(iii) and not described in subclause (II) of such paragraph, 10 percentage points, and

''(ii) in the case of a facility described in subclause (II) of paragraph (2)(A)(iii), 20 percentage points, and

''(B) the increase in the credit determined under subsection (a) by reason of this subsection for any taxable year with respect to all property which is part of such facility shall not exceed the amount which bears the same ratio to the amount of such increase (determined without regard to this subparagraph) as—

''(i) the environmental justice capacity limitation allocated to such facility, bears to

''(ii) the total megawatt nameplate capacity of such facility, as measured in direct current.

''(2) QUALIFIED FACILITY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified facility' means any facility—

''(i) which is described in subsection (b)(3)(A) and not described in section 45BB(b)(2)(B),

''(ii) which has a maximum net output of less than 5 megawatts, and

''(iii) which—

''(I) is located in a low-income community (as defined in section 45D(e)) or on Indian land (as defined in section 2601(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2))), or

''(II) is part of a qualified low-income residential building project or a qualified low-income economic benefit project.

''(B) QUALIFIED LOW-INCOME RESIDENTIAL BUILDING PROJECT.—A facility shall be treated as part of a qualified low-income residential building project if—

''(i) such facility is installed on a residential rental building which participates in a covered housing program (as defined in section 41411(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12491(a)(3)), a Housing Development Fund Corporation cooperative under Article XI of the New York State Private Housing Finance Law, a housing assistance program administered by the Department of Agriculture under title V of the Housing Act of 1949, a housing program administered by a tribally designated housing entity (as defined in section 4(22) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(22))) or such other affordable housing programs as the Secretary may provide, and

''(ii) the financial benefits of the electricity produced by such facility are allocated equitably among the occupants of the dwelling units of such building.

''(C) QUALIFIED LOW-INCOME ECONOMIC BENEFIT PROJECT.—A facility shall be treated as part of a qualified low-income economic benefit project if at least 50 percent of the financial benefits of the electricity produced by such facility are provided to households with income of—

''(i) less than 200 percent of the poverty line applicable to a family of the size involved, or

''(ii) less than 80 percent of area median gross income (as determined under section 142(d)(2)(B)).

''(D) FINANCIAL BENEFIT.—For purposes of subparagraphs (B) and (C), electricity acquired at a below-market rate shall not fail to be taken into account as a financial benefit.

''(3) ELIGIBLE PROPERTY.—For purposes of this section, the term 'eligible property' means a qualified investment with respect to any qualified facility which is described in subsection (b).

''(4) ALLOCATIONS.—

''(A) IN GENERAL.—Not later than January 1, 2027, the Secretary shall establish a program to allocate amounts of environmental justice capacity limitation to qualified facilities.

''(B) LIMITATION.—The amount of environmental justice capacity limitation allocated by the Secretary under subparagraph (A) during any calendar year shall not exceed the annual capacity limitation with respect to such year.

''(C) ANNUAL CAPACITY LIMITATION.—For purposes of this paragraph, the term 'annual capacity limitation' means 1.8 gigawatts of direct current capacity for each of calendar years 2027 through 2031, and zero thereafter.

''(D) CARRYOVER OF UNUSED LIMITATION.—

''(i) IN GENERAL.—If the annual capacity limitation for any calendar year exceeds the aggregate amount allocated for such year under this paragraph, such limitation for the succeeding calendar year shall be increased by the amount of such excess. No amount may be carried under the preceding sentence to any calendar year after 2033.

''(ii) CARRYOVER FROM SECTION 48 FOR CALENDAR YEAR 2027.—If the annual capacity limitation for calendar year 2026 under section 48(e)(4)(D) exceeds the aggregate amount allocated for such year under section 48(e)(4)(D), such excess amount may be carried over and applied to the annual capacity limitation under this subsection for calendar year 2027. Such limitation shall be increased by the amount of such excess.

''(E) PLACED IN SERVICE DEADLINE.—

''(i) IN GENERAL.—Paragraph (1) shall not apply with respect to any property which is placed in service after the date that is 4 years after the date of the allocation with respect to the facility of which such property is a part.

''(ii) APPLICATION OF CARRYOVER.—Any amount of environmental justice capacity limitation which expires under clause (i) during any calendar year shall be taken into account as an excess described in subparagraph (D) (or as an increase in such excess) for such calendar year, subject to the limitation imposed by the last sentence of such subparagraph.

''(F) SELECTION CRITERIA.—In determining to which qualified facilities to allocate environmental justice capacity limitation under this paragraph, the Secretary shall take into consideration which facilities will result in—

''(i) the greatest health and economic benefits, including the ability to withstand extreme weather events, for individuals described in section 45D(e)(2),

''(ii) the greatest employment and wages for such individuals, and

''(iii) the greatest engagement with, outreach to, or ownership by, such individuals, including through partnerships with local governments, community-based organizations, an Indian tribal government (as defined in section 48(e)(4)(F)(ii)), or any Alaska Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)).

''(G) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making an allocation of environmental justice capacity limitation under this paragraph, publicly disclose the identity of the applicant, the amount of the environmental justice capacity limitation allocated to such applicant, and the location of the facility for which such allocation is made.

''(5) RECAPTURE.—The Secretary shall, by regulations or other guidance, provide for recapturing the benefit of any increase in the credit allowed under subsection (a) by reason of this subsection with respect to any property which ceases to be property eligible for such increase (but which does not cease to be investment credit property within the meaning of section 50(a)). The period and percentage of such recapture shall be determined under rules similar to the rules of section 50(a). To the extent provided by the Secretary, such recapture may not apply with respect to any property if, within 12 months after the date the taxpayer becomes aware (or reasonably should have become aware) of such property ceasing to be property eligible for such increase, the eligibility of such

property for such increase is restored. The preceding sentence shall not apply more than once with respect to any facility.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2027.

SEC. 136804. COST RECOVERY FOR QUALIFIED FACILITIES, QUALIFIED PROPERTY, AND GRID IMPROVEMENT PROPERTY.

(a) IN GENERAL.—Section 168(e)(3)(B) is amended—

(1) in clause (vi)(III), by striking ''and'' at the end,

(2) in clause (vii), by striking the period at the end and inserting '', and'', and

(3) by inserting after clause (vii) the following:

''(viii) any qualified facility (as defined in section 45BB(b)(1)(A)), any qualified property (as defined in subsection (b)(2) of section 48F) which is a qualified investment (as defined in subsection (b)(1) of such section), or any grid improvement property (as defined in subsection (c)(1)(B) of such section).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities and property placed in service after December 31, 2026.

SEC. 136805. CLEAN FUEL PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 45CC. CLEAN FUEL PRODUCTION CREDIT.

''(a) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—For purposes of section 38, the clean fuel production credit for any taxable year is an amount equal to the product of—

''(A) the applicable amount per gallon (or gallon equivalent) with respect to any transportation fuel which is—

''(i) produced by the taxpayer at a qualified facility, and

''(ii) sold by the taxpayer in a manner described in paragraph (4) during the taxable year, and

''(B) the emissions factor for such fuel (as determined under subsection (b)).

''(2) APPLICABLE AMOUNT.—

''(A) BASE AMOUNT.—In the case of any transportation fuel produced at a qualified facility which does not satisfy the requirements described in subparagraph (B), the applicable amount shall be 20 cents.

''(B) ALTERNATIVE AMOUNT.—In the case of any transportation fuel produced at a qualified facility which satisfies the requirements under paragraphs (6) and (7) of subsection (g), the applicable amount shall be $1.00.

''(3) SPECIAL RATE FOR SUSTAINABLE AVIATION FUEL.—

''(A) IN GENERAL.—In the case of a transportation fuel which is sustainable aviation fuel, paragraph (2) shall be applied—

''(i) in the case of a transportation fuel produced at a qualified facility described in paragraph (2)(A), by substituting '35 cents' for '20 cents', and

''(ii) in the case of a transportation fuel produced at a qualified facility described in paragraph (2)(B), by substituting '$1.75' for '$1.00'.

''(B) SUSTAINABLE AVIATION FUEL.—For purposes of this subparagraph (A), the term 'sustainable aviation fuel' means liquid fuel which is sold for use in an aircraft and which—

''(i) meets the requirements of—

''(I) ASTM International Standard D7566, or

''(II) the Fischer Tropsch provisions of ASTM International Standard D1655, Annex A1, and

''(ii) is not derived from palm fatty acid distillates or petroleum.

''(4) SALE.—For purposes of paragraph (1), the transportation fuel is sold in a manner described in this paragraph if such fuel is sold by the taxpayer to an unrelated person—

''(A) for use by such person in the production of a fuel mixture,

''(B) for use by such person in a trade or business, or

''(C) who sells such fuel at retail to another person and places such fuel in the fuel tank of such other person.

''(5) ROUNDING.—If any amount determined under paragraph (1) is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

''(b) EMISSIONS FACTORS.—

''(1) EMISSIONS FACTOR.—

''(A) CALCULATION.—

''(i) IN GENERAL.—The emissions factor of a transportation fuel shall be an amount equal to the quotient of—

''(I) an amount equal to—

''(aa) 50 kilograms of CO_2e per mmBTU, minus

''(bb) the emissions rate for such fuel, divided by

''(II) 50 kilograms of CO_2e per mmBTU.

''(B) ESTABLISHMENT OF EMISSIONS RATE.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), the Secretary shall annually publish a table which sets forth the emissions rate for similar types and categories of transportation fuels based on the amount of lifecycle greenhouse gas emissions (as described in section 211(o)(1)(H) of the Clean Air Act (42 U.S.C. 7545(o)(1)(H)), as in effect on the date of the enactment of this section) for such fuels, expressed as kilograms of CO_2e per mmBTU, which a taxpayer shall use for purposes of this section.

''(ii) NON-AVIATION FUEL.—In the case of any transportation fuel which is not a sustainable aviation fuel, the lifecycle greenhouse gas emissions of such fuel shall be based on the most recent determinations under the Greenhouse gases, Regulated Emissions, and Energy use in Transportation model developed by Argonne National Laboratory, or a successor model (as determined by the Secretary).

''(iii) AVIATION FUEL.—In the case of any transportation fuel which is a sustainable aviation fuel, the lifecycle greenhouse gas emissions of such fuel shall be determined in accordance with—

''(I) the most recent Carbon Offsetting and Reduction Scheme for International Aviation which has been adopted by the International Civil Aviation Organization with the agreement of the United States, or

''(II) any similar methodology which satisfies the criteria under section 211(o)(1)(H) of the Clean Air Act (42 U.S.C. 7545(o)(1)(H)).

''(C) ROUNDING OF EMISSIONS RATE.—The Secretary may round the emissions rates under subparagraph (B) to the nearest multiple of 5 kilograms of CO_2e per mmBTU, except that, in the case of an emissions rate that is less than 2.5 kilograms of CO_2e per mmBTU, the Secretary may round such rate to zero.

''(D) PROVISIONAL EMISSIONS RATE.—In the case of any transportation fuel for which an emissions rate has not been established under subparagraph (B), a taxpayer producing such fuel may file a petition with the Secretary for determination of the emissions rate with respect to such fuel.

''(2) ROUNDING.—If any amount determined under paragraph (1)(A) is not a multiple of 0.1, such amount shall be rounded to the nearest multiple of 0.1.

''(c) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of calendar years beginning after 2026, the 20 cent amount in subsection (a)(2)(A), the $1.00 amount in subsection (a)(2)(B), the 35 cent amount in subsection (a)(3)(A)(i), and the $1.75 amount in subsection (a)(3)(A)(ii) shall each be adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the sale of the transportation fuel occurs. If any amount as increased under the preceding sentence is not a multiple of 1 cent, such amount shall be rounded to the nearest multiple of 1 cent.

''(2) INFLATION ADJUSTMENT FACTOR.—For purposes of paragraph (1), the inflation adjustment factor shall be the inflation adjustment factor determined and published by the Secretary pursuant to section 45BB(c), determined by substituting 'calendar year 2021' for 'calendar year 1992' in paragraph (3) thereof.

''(d) CREDIT PHASE-OUT.—

''(1) IN GENERAL.—The amount of the clean fuel production credit under subsection (a) for any transportation fuel sold during a taxable year described in paragraph (2) shall be equal to the product of—

''(A) the amount of the credit determined under subsection (a) without regard to this subsection, multiplied by

''(B) the phase-out percentage under paragraph (2).

''(2) PHASE-OUT PERCENTAGE.—The phase-out percentage under this paragraph is equal to—

''(A) for any taxable year beginning in the first calendar year following the applicable year, 100 percent,

''(B) for any taxable year beginning in the second calendar year following the applicable year, 75 percent,

''(C) for any taxable year beginning in the third calendar year following the applicable year, 50 percent, and

''(D) for any taxable year beginning in any calendar year subsequent to the calendar year described in subparagraph (C), 0 percent.

''(3) APPLICABLE YEAR.—For purposes of this subsection, the term 'applicable year' means the later of—

''(A) the calendar year in which the Secretary determines that the greenhouse gas emissions from the transportation of persons and goods annually in the United States are equal to or less than 25 percent of the greenhouse gas emissions from the transportation of persons and goods in the United States during calendar year 2021, or

''(B) 2031.

''(e) DEFINITIONS.—In this section:

''(1) mmBTU.—The term 'mmBTU' means 1,000,000 British thermal units.

''(2) CO_2e.—The term 'CO_2e' means, with respect to any greenhouse gas, the equivalent carbon dioxide (as determined based on relative global warming potential).

''(3) GREENHOUSE GAS.—The term 'greenhouse gas' has the same meaning given that term under section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)), as in effect on the date of the enactment of this section.

''(4) QUALIFIED FACILITY.—The term 'qualified facility'—

''(A) means a facility used for the production of transportation fuels, and

''(B) does not include any facility for which one of the following credits is allowed under section 38 for the taxable year:

''(i) The credit for production of clean hydrogen under section 45X.

''(ii) The credit for clean hydrogen production facilities under section 48(a)(16).

''(iii) The credit for carbon oxide sequestration under section 45Q.

''(5) TRANSPORTATION FUEL.—The term 'transportation fuel' means a fuel which—

''(A) is suitable for use as a fuel in a highway vehicle or aircraft,

''(B) has an emissions rate which is not greater than—

''(i) in the case of a fuel which is not a sustainable aviation fuel—

''(I) for any such fuel sold during calendar years 2027 through 2030, 50 kilograms of CO_2e per mmBTU, and

''(II) for any such fuel sold during any calendar year beginning after December 31, 2030, 25 kilograms of CO_2e per mmBTU, or

''(ii) in the case of a fuel which is a sustainable aviation fuel—

''(I) for any such fuel sold during any period before January 1, 2031, 35 kilograms of CO_2e per mmBTU, and

''(II) for any such fuel sold during any period after December 31, 2030, 25 kilograms of CO_2e per mmBTU,

''(C) is not hydrogen fuel, and

''(D) in the case of fuel which is not aviation fuel, is not derived from coprocessing biomass with a feedstock which is not biomass. For purposes of this paragraph, the term 'biomass' has the meaning given such term in section 45K(c)(3).

''(f) GUIDANCE.—Not later than January 1, 2027, the Secretary shall issue guidance regarding implementation of this section, including calculation of emissions factors for transportation fuel, the table described in subsection (b)(1)(B)(i), and the determination of clean fuel production credits under this section.

''(g) SPECIAL RULES.—

''(1) ONLY REGISTERED PRODUCTION IN THE UNITED STATES TAKEN INTO ACCOUNT.—

''(A) IN GENERAL.—No clean fuel production credit shall be determined under subsection (a) with respect to any transportation fuel unless—

''(i) the taxpayer is registered as a producer of clean fuel under section 4101 at the time of production, and

''(ii) such fuel is produced in the United States.

''(B) UNITED STATES.—For purposes of this paragraph, the term 'United States' includes any possession of the United States.

''(2) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a facility in which more than 1 person has an ownership interest, except to the extent provided in regulations prescribed by the Secretary, production from the facility shall be allocated among such persons in proportion to their respective ownership interests in the gross sales from such facility.

''(3) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b). In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated return, such corporation shall be treated as selling fuel to an unrelated person if such fuel is sold to such a person by another member of such group.

''(4) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(5) ALLOCATION OF CREDIT TO PATRONS OF AGRICULTURAL COOPERATIVE.—

''(A) ELECTION TO ALLOCATE.—

''(i) IN GENERAL.—In the case of an eligible cooperative organization, any portion of the credit determined under subsection (a) for the taxable year may, at the election of the organization, be apportioned among patrons of the organization on the basis of the amount of business done by the patrons during the taxable year.

''(ii) FORM AND EFFECT OF ELECTION.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year. Such election shall not take effect unless the organization designates the apportionment as such in a written notice mailed to its patrons during the payment period described in section 1382(d).

''(B) TREATMENT OF ORGANIZATIONS AND PATRONS.—The amount of the credit apportioned to any patrons under subparagraph (A)—

''(i) shall not be included in the amount determined under subsection (a) with respect to the organization for the taxable year, and

''(ii) shall be included in the amount determined under subsection (a) for the first taxable year of each patron ending on or after the last day of the payment period (as defined in section 1382(d)) for the taxable year of the organization or, if earlier, for the taxable year of each patron ending on or after the date on which the patron receives notice from the cooperative of the apportionment.

''(C) SPECIAL RULES FOR DECREASE IN CREDITS FOR TAXABLE YEAR.—If the amount of the credit of a cooperative organization determined under subsection (a) for a taxable year is less than the amount of such credit shown on the return of the cooperative organization for such year, an amount equal to the excess of—

''(i) such reduction, over

''(ii) the amount not apportioned to such patrons under subparagraph (A) for the taxable year,

shall be treated as an increase in tax imposed by this chapter on the organization. Such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter.

''(D) ELIGIBLE COOPERATIVE DEFINED.—For purposes of this section the term 'eligible cooperative' means a cooperative organization described in section 1381(a) which is owned more than 50 percent by agricultural producers or by entities owned by agricultural producers. For this purpose an entity owned by an agricultural producer is one that is more than 50 percent owned by agricultural producers.

''(6) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), rules similar to the rules of section 45(b)(7)(A) and clauses (i) through (iv) of section 45(b)(7)(B) shall apply.

''(B) SPECIAL RULE FOR FACILITIES PLACED IN SERVICE BEFORE JANUARY 1, 2027.—In the case of any qualified facility placed in service before January 1, 2027—

''(i) the rules of clause (i) of section 45(b)(7)(A) shall not apply, and

''(ii) clause (ii) of such section shall be applied by substituting 'for any period of the taxable year beginning after December 31, 2026 for which the credit is claimed under this section with respect to production of transportation fuel, the alteration or repair of such facility' for 'for the period of the taxable year which is within the 10-year period beginning on the date the facility was originally placed in service, the alteration or repair of such facility'.

''(7) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.''.

(b) ELECTIVE PAYMENT OF CREDIT.—Section 6417(b), as amended by preceding provisions of this Act, is amended by adding at the end the following new paragraph:

''(14) The clean fuel production credit determined under section 45CC(a).''.

(c) CONFORMING AMENDMENTS.—

(1) Section 38(b), as amended by section 101, is amended—

(A) in paragraph (39), by striking ''plus'' at the end,

(B) in paragraph (40), by striking the period at the end and inserting '', plus'', and

(C) by adding at the end the following new paragraph:

''(41) the clean fuel production credit determined under section 45CC(a).''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by section 101, is amended by adding at the end the following new item:

''Sec. 45CC. Clean fuel production credit.''.

(3) Section 4101(a)(1) is amended by inserting ''every person producing a fuel eligible for the clean fuel production credit (pursuant to section 45CC),'' after ''section 6426(b)(4)(A)),''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transportation fuel produced after December 31, 2026.

PART 9—APPROPRIATIONS

SEC. 136901. APPROPRIATIONS.

Immediately upon the enactment of this Act, in addition to amounts otherwise available, there are appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,073,433,000 to remain available until September 30, 2031, for necessary expenses for the Internal Revenue Service to carry out this subtitle (and the amendments made by this subtitle), which shall supplement and not supplant any other appropriations that may be available for this purpose.

Subtitle G—Social Safety Net

SEC. 137001. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

PART 1—CHILD TAX CREDIT

SEC. 137101. MODIFICATIONS APPLICABLE BEGINNING IN 2021.

(a) SAFE HARBOR EXCEPTION FOR FRAUD AND INTENTIONAL DISREGARD OF RULES AND REGULATIONS.—Section 24(j)(2)(B) is amended—

(1) by striking ''qualified'' each place it appears in clause (iv)(II) and inserting ''qualifying'', and

(2) by adding at the end the following new clause:

''(v) EXCEPTION FOR FRAUD AND INTENTIONAL DISREGARD OF RULES AND REGULATIONS.—

''(I) IN GENERAL.—For purposes of determining the safe harbor amount under clause (iv) with respect to any taxpayer, an individual shall not be treated as taken into account in determining the annual advance amount of such taxpayer if the Secretary determines that such individual was so taken into account due to fraud by the taxpayer or intentional disregard of rules and regulations by the taxpayer.

''(II) ARRANGEMENTS TO TAKE INDIVIDUAL INTO ACCOUNT MORE THAN ONCE.—For purposes of subclause (I), a taxpayer shall not fail to be treated as intentionally disregarding rules and regulations with respect to any individual taken into account in determining the annual advance amount of such taxpayer if such taxpayer entered into a plan or other arrangement with, or expected, another taxpayer to take such individual into account in determining the credit allowed under this section for the taxable year.''.

(b) RULES RELATING TO RECONCILIATION OF CREDIT AND ADVANCE CREDIT.—Section 24(j) is amended by adding at the end the following new paragraphs:

''(3) JOINT RETURNS.—Except as otherwise provided by the Secretary, in the case of an advance payment made under section 7527A with respect to a joint return, half of such payment shall be treated as having been made to each individual filing such return.

''(4) COORDINATION WITH POSSESSIONS OF THE UNITED STATES.—For purposes of this subsection, payments made under section 7527A include payments made by any jurisdiction other than the United States under section 7527A of the income tax law of such jurisdiction, and advance payments made by American Samoa pursuant to a plan described in subsection (k)(3)(B). In carrying out this section, the Secretary shall coordinate with each possession of the United States to prevent any application of this paragraph that is inconsistent with the purposes of this subsection.''.

(c) ANNUAL ADVANCE AMOUNT.—Section 7527A(b) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting ''or based on any other information known to the Secretary'' after ''reference taxable year'',

(B) in subparagraph (C), by inserting ''unless determined by the Secretary based on any information known to the Secretary,'' before ''the only children'', and

(C) in subparagraph (D), by inserting ''unless determined by the Secretary based on any information known to the Secretary,'' before ''the ages of'', and

(2) in paragraph (3)(A)(ii), by striking '' provided by the taxpayer'' and inserting ''provided, or known,''.

(d) DISCLOSURE OF INFORMATION RELATING TO JOINT FILERS AND ADVANCE PAYMENT OF CHILD TAX CREDIT.—Section 6103(e) is amended by adding at the end the following new paragraph:

''(12) DISCLOSURE OF INFORMATION RELATING TO JOINT FILERS AND ADVANCE PAYMENT OF

CHILD TAX CREDIT.—In the case of an individual to whom the Secretary makes payments under section 7527A, if the reference taxable year (as defined in section 7527A(b)(2)) that the Secretary uses to calculate such payments is a year for which the individual filed an income tax return jointly with another individual, the Secretary may disclose to such individual any return information of such other individual which is relevant in determining the payment under section 7527A and the individual's eligibility for such payment, including information regarding any of the following:

''(A) The number of specified children, including by reason of the birth of a child.

''(B) The name and TIN of specified children.

''(C) Marital status.

''(D) Modified adjusted gross income.

''(E) Principal place of abode.

''(F) Any other factor which the Secretary may provide pursuant to section 7527A(c).''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning, and payments made, after December 31, 2020.

(2) DISCLOSURE OF INFORMATION RELATING TO JOINT FILERS AND ADVANCE PAYMENT OF CHILD TAX CREDIT.—The amendment made by subsection (d) shall take effect on the date of the enactment of this Act.

SEC. 137102. EXTENSIONS AND MODIFICATIONS APPLICABLE BEGINNING IN 2022.

(a) EXTENSIONS.—

(1) EXTENSION OF CHILD TAX CREDIT.—Section 24(i) is amended—

(A) by striking ''January 1, 2022'' in the matter preceding paragraph (1) and inserting ''January 1, 2023'', and

(B) by inserting ''AND 2022'' after ''2021'' in the heading thereof.

(2) EXTENSION OF PROVISIONS RELATED TO POSSESSIONS OF THE UNITED STATES.—

(A) Section 24(k)(2)(B) is amended—

(i) by striking ''December 31, 2021'' in the matter preceding clause (i) and inserting ''December 31, 2022'', and

(ii) by striking ''AFTER 2021'' in the heading thereof and inserting ''AFTER 2022''.

(B) Section 24(k)(3)(C)(ii) is amended—

(i) in subclause (I), by inserting ''or 2022'' after ''2021'', and

(ii) in subclause (II), by striking ''December 31, 2021'' and inserting ''December 31, 2022''.

(C) The heading of section 24(k)(2)(A) is amended by inserting ''AND 2022'' after ''2021''.

(b) EXTENSION AND MODIFICATION OF ADVANCE PAYMENT.—

(1) IN GENERAL.—Section 7527A is amended—

(A) in subsection (b)(1), by striking ''50 percent of'',

(B) in clauses (i) and (ii) of subsection (e)(4)(C), by inserting ''or 2022'' after ''in 2021'', and

(C) in subsection (f), by striking ''December 31, 2021'' and inserting ''December 31, 2022''.

(2) MONTHLY PAYMENTS.—

(A) IN GENERAL.—Section 7527A(a) is amended to read as follows:

''(a) IN GENERAL.—The Secretary shall establish a program for making monthly payments to taxpayers in amounts equal to 1/12 of the annual advance amount with respect to such taxpayer.''.

(B) MODIFICATIONS DURING CALENDAR YEAR.—Section 7527A(b)(3), as amended by the preceding provisions of this Act, is amended—

(i) by amending subparagraph (A)(ii) to read as follows:

''(ii) any other information provided, or known, to the Secretary which allows the Secretary to more accurately estimate the amount treated as allowed under subpart C of part IV of subchapter A of chapter 1 by reason of section 24(i)(1) with respect to the taxpayer for the reference taxable year.'', and

(ii) in subparagraph (B), by striking ''periodic payment'' both places it appears and inserting ''monthly payment''.

(C) CONFORMING AMENDMENT.—Section 7527A(c)(2) is amended by striking ''subsection (b)(3)(B)'' and inserting ''subsection (b)(3)''.

(3) ELIGIBILITY FOR ADVANCE PAYMENTS LIMITED BASED ON MODIFIED ADJUSTED GROSS INCOME.—Section 7527A(b) is amended by adding at the end the following new paragraph:

''(6) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(A) IN GENERAL.—If the modified adjusted gross income of the taxpayer for the reference taxable year exceeds the applicable threshold amount with respect to such taxpayer (as defined in section 24(i)(4)(B)), the annual advance amount with respect to such taxpayer shall be zero.

''(B) EXCEPTION FOR MODIFICATIONS MADE DURING THE CALENDAR YEAR.—Subparagraph (A) shall not apply to a reference taxable year taken into account by reason of paragraph (3)(A)(i) or subsection (c) if the taxpayer received one or more payments under subsection (a) for months in the calendar year which precede the month for which such reference taxable year will be taken into account.''.

(4) ADVANCE PAYMENTS TO PUERTO RICO RESIDENTS FOR 2022.—Section 7527A(e)(4) is amended—

(A) in subparagraph (A), by striking ''The advance'' and inserting ''Except as provided in subparagraph (D), the advance'', and

(B) by adding at the end the following new subparagraph:

''(D) ADVANCE PAYMENTS TO PUERTO RICO RESIDENTS FOR 2022.—For the period beginning on July 1, 2022, and ending on December 31, 2022, the Secretary may apply this section without regard to subparagraph (A)(i).''.

(c) ELECTION TO APPLY INCOME PHASEOUT ON BASIS OF INCOME FROM THE PRECEDING TAXABLE YEAR.—Section 24(i) is amended by adding at the end the following new paragraph:

''(5) ELECTION TO APPLY INCOME PHASEOUT ON BASIS OF INCOME FROM THE PRECEDING TAXABLE YEAR.—In the case of a taxpayer who elects (at such time and in such manner as the Secretary may provide) the application of this paragraph for any taxable year, paragraph (4) and subsection (b)(1) shall both be applied with respect to the modified adjusted gross income (as defined in subsection (b)) for the taxpayer's preceding taxable year.''.

(d) MODIFICATION OF RECAPTURE SAFE HARBOR FOR 2022.—Section 24(j)(2)(B)(iv), as amended by the preceding provisions of this Act, is amended to read as follows:

''(iv) SAFE HARBOR AMOUNT.—For purposes of this subparagraph, the term 'safe harbor amount' means, with respect to any taxpayer for any taxable year, the sum of—

''(I) an amount equal to the product of $3,600 multiplied by the excess (if any) of the number of qualifying children who have not attained age 6 as of the close of the calendar year in which the taxable year of the taxpayer begins, and who are taken into account in determining the annual advance amount with respect to the taxpayer under section 7527A with respect to months beginning in such taxable year, over the number of such qualifying children taken into account in determining the credit allowed under this section for such taxable year, plus

''(II) an amount equal to the product of $3,000 multiplied by the excess (if any) of the number of qualifying children not described in clause (I), and who are taken into account in determining the annual advance amount with respect to the taxpayer under section 7527A with respect to months beginning in such taxable year, over the number of such qualifying children taken into account in determining the credit allowed under this section for such taxable year.''.

(e) REPEAL OF SOCIAL SECURITY NUMBER REQUIREMENT.—

(1) IN GENERAL.—Section 24(h) is amended by striking paragraph (7).

(2) CONFORMING AMENDMENTS.—

(A) Section 24(h)(1) is amended by striking ''paragraphs (2) through (7)'' and inserting ''paragraphs (2) through (6)''.

(B) Section 24(h)(4) is amended by striking subparagraph (C).

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning, and payments made, after December 31, 2021.

SEC. 137103. REFUNDABLE CHILD TAX CREDIT AFTER 2022.

(a) IN GENERAL.—Section 24 is amended by adding at the end the following new subsection:

''(l) REFUNDABLE CREDIT AFTER 2022.—In the case of any taxable year beginning after December 31, 2022, if the taxpayer (in the case of a joint return, either spouse) has a principal place of abode in the United States (determined as provided in section 32) for more than one-half of the taxable year or is a bona fide resident of Puerto Rico (within the meaning of section 937(a)) for such taxable year—

''(1) subsection (d) shall not apply, and

''(2) so much of the credit determined under subsection (a) (after application of paragraph (1)) as does not exceed the amount of such credit which would be so determined without regard to subsection (h)(4) shall be allowed under subpart C (and not allowed under this subpart)''.

(b) CONFORMING AMENDMENTS RELATED TO POSSESSIONS OF THE UNITED STATES.—

(1) PUERTO RICO.—Section 24(k)(2)(B), as amended by the preceding provisions of this Act, is amended to read as follows:

''(B) APPLICATION TO TAXABLE YEARS AFTER 2022.—For application of refundable credit to residents of Puerto Rico for taxable years after 2022, see subsection (l).''.

(2) AMERICAN SAMOA.—Section 24(k)(3)(C)(ii)(II), as amended by the preceding provisions of this Act, is amended to read as follows:

''(II) if such taxable year begins after December 31, 2022, subsection (l) shall be applied by substituting 'Puerto Rico or American Samoa' for 'Puerto Rico'.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 137104. APPROPRIATIONS.

Immediately upon the enactment of this Act, in addition to amounts otherwise available, there are appropriated out of any money in the Treasury not otherwise appropriated:

(1) $3,963,300,000 to remain available until September 30, 2026, for necessary expenses for the Internal Revenue Service to administer the Child Tax Credit, and advance payments of the Child Tax Credit, including the costs of disbursing such payments, which shall supplement and not supplant any other appropriations that may be available for this purpose, and

(2) $1,000,000,000 is appropriated to the Department of the Treasury, to remain available until September 30, 2026, to support efforts to increase enrollment of eligible families in the Child Tax Credit, for advance payments of the Child Tax Credit, and for other tax benefits, including but not limited to program outreach, costs of data sharing arrangements, systems changes, forms changes, and related efforts, and efforts to support the cross-enrollment of beneficiaries of other programs in the Child Tax Credit, and for advance payments of the Child Tax Credit, including by establishing intergovernmental cooperative agreements with states and local governments, the District of Columbia, tribal governments, and possessions of the United States: Provided, that such amount shall be available in addition to any amounts otherwise available: Provided further, that these funds may be awarded by federal agencies to state and local governments, the District of Columbia, tribal governments, and possessions of the United States, and private entities, including organizations dedicated to free tax return preparation and low income taxpayer clinics funded under

section 7526 of the Internal Revenue Code of 1986.

PART 2—EARNED INCOME TAX CREDIT

SEC. 137201. CERTAIN IMPROVEMENTS TO THE EARNED INCOME TAX CREDIT EXTENDED THROUGH 2022.

(a) IN GENERAL.—Section 32(n) is amended by striking ''January 1, 2022'' and inserting ''January 1, 2023''.

(b) INFLATION ADJUSTMENT.—Section 32(n)(4)(B) is amended to read as follows:

''(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2021, the $9,820 and $11,610 dollar amounts in subparagraph (A) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2020' for 'calendar year 2016' in subparagraph (A)(ii) thereof.''.

(c) ELECTION TO DETERMINE EARNED INCOME BASED ON PRIOR TAXABLE YEAR.—Section 32, as amended by subsection (f), is amended by adding at the end the following new subsection:

''(o) ELECTION TO DETERMINE EARNED INCOME BASED ON PRIOR TAXABLE YEAR.—

''(1) IN GENERAL.—In the case of a taxpayer whose earned income for any taxable year beginning after December 31, 2021, and before January 1, 2023, is less than the earned income of such taxpayer for the preceding taxable year, if such taxpayer elects (at such time and in such manner as the Secretary may provide) the application of this subsection for such taxable year, the earned income of such taxpayer for such taxable year shall be treated for purposes of this section as being equal to the earned income of such taxpayer for such preceding taxable year.

''(2) JOINT RETURNS.—For purposes of this subsection, in the case of a joint return, the earned income of the taxpayer for the preceding taxable year shall be the sum of the earned income of each spouse for the preceding taxable year.

''(3) TREATMENT AS MATHEMATICAL OR CLERICAL ERROR.—In the case of a taxpayer described in paragraph (1) who makes the election described in such paragraph, the use on the return for purposes of this section of an amount of earned income for the preceding taxable year which differs from the amount of such earned income as shown in the electronic files of the Internal Revenue Service shall be treated as a mathematical or clerical error for purposes of section 6213.

''(4) TREATMENT OF REFERENCES.—Any provision of this title which defines or determines earned income by reference to this section shall be applied without regard to this subsection unless such provision specifically provides otherwise.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 137202. FUNDS FOR ADMINISTRATION OF EARNED INCOME TAX CREDITS IN THE TERRITORIES.

(a) PUERTO RICO.—Section 7530(a)(1) is amended by striking ''plus'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', plus'', and by adding at the end the following new subparagraph:

''(C) reasonable administrative costs associated with the provision of the earned income tax credit not in excess of $4,000,000.''.

(b) POSSESSIONS WITH MIRROR CODE TAX SYSTEMS.—Section 7530(b)(1) is amended by striking ''plus'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', plus'', and by adding at the end the following new subparagraph:

''(C) reasonable administrative costs associated with the provision of the earned income tax credit not in excess of $200,000.''.

(c) AMERICAN SAMOA.—Section 7530(c)(1) is amended by striking ''plus'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', plus'', and by adding at the end the following new subparagraph:

''(C) reasonable administrative costs associated with the provision of the earned income tax credit not in excess of $200,000.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made for calendar years beginning after December 31, 2021.

PART 3—EXPANDING ACCESS TO HEALTH COVERAGE AND LOWERING COSTS

SEC. 137301. IMPROVE AFFORDABILITY AND REDUCE PREMIUM COSTS OF HEALTH INSURANCE FOR CONSUMERS.

(a) IN GENERAL.—Section 36B(b)(3)(A)(iii) is amended—

(1) by striking all that precedes the table contained therein and inserting the following:

''(iii) DETERMINING PERCENTAGES FOR 2021 THROUGH 2026.—

''(I) IN GENERAL.—In the case of a taxable year beginning after December 31, 2020, and before January 1, 2026, the following table shall be applied in lieu of the table contained in clause (i):'', and

(2) by adding at the end the following new subclause:

''(II) INDEXING.—In the case of a taxable year beginning after December 31, 2020, and before January 1, 2027, clause (ii) shall not apply for purposes of adjusting premium percentages under this subparagraph.''.

(b) EXTENSION THROUGH 2025 OF RULE TO ALLOW CREDIT TO TAXPAYERS WHOSE HOUSEHOLD INCOME EXCEEDS 400 PERCENT OF THE POVERTY LINE.—Section 36B(c)(1)(E) is amended—

(1) by striking ''in 2021 or 2022'' and inserting ''after December 31, 2020, and before January 1, 2026'', and

(2) by striking ''AND 2022'' in the heading thereof and inserting ''THROUGH 2025''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 137302. MODIFICATION OF EMPLOYER-SPONSORED COVERAGE AFFORDABILITY TEST IN HEALTH INSURANCE PREMIUM TAX CREDIT.

(a) IN GENERAL.—Section 36B(c)(2)(C)(i)(II) is amended by inserting ''(8.5 percent in the case of any taxable year beginning after December 31, 2021, and before January 1, 2026)'' after ''9.5 percent''.

(b) QUALIFIED SMALL EMPLOYER HEALTH REIMBURSEMENT ARRANGEMENTS.—Section 36B(c)(4)(C)(ii) is amended by inserting ''(8.5 percent in the case of any taxable year beginning after December 31, 2021, and before January 1, 2026)'' after ''9.5 percent''.

(c) PERCENTAGES TEMPORARILY DETERMINED WITHOUT REGARD TO ADJUSTMENTS.—

(1) Section 36B(c)(2)(C)(iv) is amended by adding at the end the following: ''The preceding sentence shall not apply in the case of any plan year beginning after December 31, 2021, and before January 1, 2027.''.

(2) Section 36B(c)(4)(F) is amended by adding at the end the following: ''The preceding sentence shall not apply in the case of any plan year beginning after December 31, 2021, and before January 1, 2027.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 137303. TREATMENT OF LUMP-SUM SOCIAL SECURITY BENEFITS IN DETERMINING HOUSEHOLD INCOME.

(a) IN GENERAL.—Section 36B(d)(2) is amended by adding at the end the following new subparagraph:

''(C) EXCLUSION OF PORTION OF LUMP-SUM SOCIAL SECURITY BENEFITS.—

''(i) IN GENERAL.—The term 'modified adjusted gross income' shall not include so much of any lump-sum social security benefit payment as is attributable to months ending before the beginning of the taxable year.

''(ii) LUMP-SUM SOCIAL SECURITY BENEFIT PAYMENT.—For purposes of this subparagraph, the term 'lump-sum social security benefit payment' means any payment of social security benefits (as defined in section 86(d)(1)) which constitutes more than 1 month of such benefits.

''(iii) ELECTION TO INCLUDE EXCLUDABLE AMOUNT.—With respect to any taxable year beginning after December 31, 2025, a taxpayer may elect (at such time and in such manner as the Secretary may provide) to have this subparagraph not apply for such taxable year.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 137304. TEMPORARY EXPANSION OF HEALTH INSURANCE PREMIUM TAX CREDITS FOR CERTAIN LOW-INCOME POPULATIONS.

(a) IN GENERAL.—Section 36B is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) CERTAIN TEMPORARY RULES BEGINNING IN 2022.—With respect to any taxable year beginning after December 31, 2021, and before January 1, 2026—

''(1) ELIGIBILITY FOR CREDIT NOT LIMITED BASED ON INCOME.—Section 36B(c)(1)(A) shall be disregarded in determining whether a taxpayer is an applicable taxpayer.

''(2) CREDIT ALLOWED TO CERTAIN LOW-INCOME EMPLOYEES OFFERED EMPLOYER-PROVIDED COVERAGE.—Subclause (II) of subsection (c)(2)(C)(i) shall not apply if the taxpayer's household income does not exceed 138 percent of the poverty line for a family of the size involved. Subclause (II) of subsection (c)(2)(C)(i) shall also not apply to an individual described in the last sentence of such subsection if the taxpayer's household income does not exceed 138 percent of the poverty line for a family of the size involved.

''(3) CREDIT ALLOWED TO CERTAIN LOW-INCOME EMPLOYEES OFFERED QUALIFIED SMALL EMPLOYER HEALTH REIMBURSEMENT ARRANGEMENTS.—A qualified small employer health reimbursement arrangement shall not be treated as constituting affordable coverage for an employee (or any spouse or dependent of such employee) for any months of a taxable year if the employee's household income for such taxable year does not exceed 138 percent of the poverty line for a family of the size involved.

''(4) LIMITATIONS ON RECAPTURE.—

''(A) IN GENERAL.—In the case of a taxpayer whose household income is less than 200 percent of the poverty line for the size of the family involved for the taxable year, the amount of the increase under subsection (f)(2)(A) shall in no event exceed $300 (one-half of such amount in the case of a taxpayer whose tax is determined under section 1(c) for the taxable year).

''(B) LIMITATION ON INCREASE FOR CERTAIN NON-FILERS.—In the case of any taxpayer who would not be required to file a return of tax for the taxable year but for any requirement to reconcile advance credit payments under subsection (f), if an Exchange established under title I of the Patient Protection and Affordable Care Act has determined that—

''(i) such taxpayer is eligible for advance payments under section 1412 of such Act for any portion of such taxable year, and

''(ii) such taxpayer's household income for such taxable year is projected to not exceed 138 percent of the poverty line for a family of the size involved,

subsection (f)(2)(A) shall not apply to such taxpayer for such taxable year and such taxpayer shall not be required to file such return of tax.

''(C) INFORMATION PROVIDED BY EXCHANGE.—The information required to be provided by an Exchange to the Secretary and to the taxpayer under subsection (f)(3) shall include such information as is necessary to determine whether

such Exchange has made the determinations described in clauses (i) and (ii) of subparagraph (B) with respect to such taxpayer.''.

(b) EMPLOYER SHARED RESPONSIBILITY PROVISION NOT APPLICABLE WITH RESPECT TO CERTAIN LOW-INCOME TAXPAYERS RECEIVING PREMIUM ASSISTANCE.—Section 4980H(c)(3) is amended to read as follows:

''(3) APPLICABLE PREMIUM TAX CREDIT AND COST-SHARING REDUCTION.—

''(A) IN GENERAL.—The term 'applicable premium tax credit and cost-sharing reduction' means—

''(i) any premium tax credit allowed under section 36B,

''(ii) any cost-sharing reduction under section 1402 of the Patient Protection and Affordable Care Act, and

''(iii) any advance payment of such credit or reduction under section 1412 of such Act.

''(B) EXCEPTION WITH RESPECT TO CERTAIN LOW-INCOME TAXPAYERS.—Such term shall not include any premium tax credit, cost-sharing reduction, or advance payment otherwise described in subparagraph (A) if such credit, reduction, or payment is allowed or paid for a taxable year of an employee (beginning after December 31, 2021, and before January 1, 2026) with respect to which—

''(i) an Exchange established under title I of the Patient Protection and Affordable Care Act has determined that such employee's household income for such taxable year is projected to not exceed 138 percent of the poverty line for a family of the size involved, or

''(ii) such employee's household income for such taxable year does not exceed 138 percent of the poverty line for a family of the size involved.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 137305. SPECIAL RULE FOR INDIVIDUALS RECEIVING UNEMPLOYMENT COMPENSATION.

(a) EXTENSION.—Section 36B(g)(1) is amended by striking ''during 2021,'' and inserting ''after December 31, 2020, and before January 1, 2023,''.

(b) MODIFICATION OF INCOME NOT TAKEN INTO ACCOUNT.—Section 36B(g)(1)(B) is amended by striking ''133 percent'' and inserting ''150 percent (133 percent in the case of any week beginning during 2021)''.

(c) CONFORMING AMENDMENT.—Section 36B(g) by inserting ''THROUGH 2022'' after ''2021'' in the heading thereof.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 137306. PERMANENT CREDIT FOR HEALTH INSURANCE COSTS.

(a) IN GENERAL.—Subparagraph (B) of section 35(b)(1) of the Internal Revenue Code of 1986 is amended by striking '', and before January 1, 2022'' and inserting a period.

(b) INCREASE IN CREDIT PERCENTAGE.—Subsection (a) of section 35 of the Internal Revenue Code of 1986 is amended by striking ''72.5 percent'' and inserting ''80 percent''.

(c) CONFORMING AMENDMENTS.—Subsections (b) and (e)(1) of section 7527 of the Internal Revenue Code of 1986 are each amended by striking ''72.5 percent'' and inserting ''80 percent''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to coverage months beginning after December 31, 2021.

SEC. 137307. EXCLUSION OF CERTAIN DEPENDENT INCOME FOR PURPOSES OF PREMIUM TAX CREDIT.

(a) IN GENERAL.—Paragraph (2) of section 36B(d) of the Internal Revenue Code of 1986, as amended by this Act, is further amended by adding at the end the following new subparagraph:

''(D) EXCEPTION FOR CERTAIN DEPENDENT INCOME.—

''(i) IN GENERAL.—Solely for purposes of determining the credit under this section and eligibility for cost sharing reductions under section 1402 of the Patient Protection and Affordable Care Act, and not for any other purpose (including any determination of income for purposes of the programs established under titles XIX and XXI of the Social Security Act and section 1331 of the Patient Protection and Affordable Care Act), there shall not be taken into account under subparagraph (A)(ii) the modified adjusted gross income of any dependent of the taxpayer who has not attained age 24 as of the last day of the calendar year in which the taxable year of the taxpayer begins.

''(ii) LIMITATION.—Clause (i) shall not apply to so much of the aggregate of the modified adjusted gross income of all dependents of the taxpayer who have not attained the age described in such clause as exceeds $3,500.

''(iii) ELECTION TO HAVE SUBPARAGRAPH NOT APPLY.—In the case of any taxable year beginning after December 31, 2025, a taxpayer may elect (at such time and in such manner as the Secretary may provide) to have this subparagraph not apply with respect to the income of any dependent of the taxpayer for such taxable year.

''(iv) ADJUSTMENT FOR INFLATION.—In the case of any taxable year beginning after December 31, 2023, the $3,500 amount in clause (ii) shall be increased by an amount equal to—

''(I) such amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2022' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

If any increase determined under the preceding sentence is not a multiple of $100, such increase shall be rounded to the next lowest multiple of $100.

''(v) TERMINATION.—This subparagraph shall not apply to taxable years beginning after December 31, 2026.''.

(b) CONFORMING AMENDMENTS.—

(1) Clause (ii) of section 36B(d)(2)(A) of the Internal Revenue Code of 1986 is amended by inserting '', except as provided in subparagraph (D),'' after ''individuals''.

(2) Paragraph (3) of section 1411(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 18081) is amended by adding at the end the following new subparagraph:

''(D) INFORMATION REGARDING CERTAIN DEPENDENTS.—In the case of taxable years beginning before January 1, 2027, information regarding whether section 36B(d)(2)(D) will apply to any individuals taken into account as members of the household of the enrollee, and the amount of income of each such individual for the taxable year described in subparagraph (A).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 137308. REQUIREMENTS WITH RESPECT TO COST-SHARING FOR CERTAIN INSULIN PRODUCTS.

(a) IN GENERAL.—Subchapter B of chapter 100 is amended by adding at the end the following new section:

''SEC. 9826. REQUIREMENTS WITH RESPECT TO COST-SHARING FOR CERTAIN INSULIN PRODUCTS.

''(a) IN GENERAL.—For plan years beginning on or after January 1, 2023, a group health plan shall provide coverage of selected insulin products, and with respect to such products, shall not—

''(1) apply any deductible; or

''(2) impose any cost-sharing in excess of the lesser of, per 30-day supply—

''(A) $35; or

''(B) the amount equal to 25 percent of the negotiated price of the selected insulin product net of all price concessions received by or on behalf of the plan, including price concessions received by or on behalf of third-party entities providing services to the plan, such as pharmacy benefit management services.

''(b) DEFINITIONS.—In this section:

''(1) SELECTED INSULIN PRODUCTS.—The term 'selected insulin products' means at least one of each dosage form (such as vial, pump, or inhaler dosage forms) of each different type (such as rapid-acting, short-acting, intermediate-acting, long-acting, ultra long-acting, and premixed) of insulin (as defined below), when available, as selected by the group health plan.

''(2) INSULIN DEFINED.—The term 'insulin' means insulin that is licensed under subsection (a) or (k) of section 351 of the Public Health Service Act (42 U.S.C. 262) and continues to be marketed under such section, including any insulin product that has been deemed to be licensed under section 351(a) of such Act pursuant to section 7002(e)(4) of the Biologics Price Competition and Innovation Act of 2009 (Public Law 111–148) and continues to be marketed pursuant to such licensure.

''(c) OUT-OF-NETWORK PROVIDERS.—Nothing in this section requires a plan that has a network of providers to provide benefits for selected insulin products described in this section that are delivered by an out-of-network provider, or precludes a plan that has a network of providers from imposing higher cost-sharing than the levels specified in subsection (a) for selected insulin products described in this section that are delivered by an out-of-network provider.

''(d) RULE OF CONSTRUCTION.—Subsection (a) shall not be construed to require coverage of, or prevent a group health plan from imposing cost-sharing other than the levels specified in subsection (a) on, insulin products that are not selected insulin products, to the extent that such coverage is not otherwise required and such cost-sharing is otherwise permitted under Federal and applicable State law.

''(e) APPLICATION OF COST-SHARING TOWARDS DEDUCTIBLES AND OUT-OF-POCKET MAXIMUMS.—Any cost-sharing payments made pursuant to subsection (a)(2) shall be counted toward any deductible or out-of-pocket maximum that applies under the plan.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 100 is amended by adding at the end the following new item:

''Sec. 9826. Requirements with respect to cost-sharing for certain insulin products.''.

SEC. 137309. OVERSIGHT OF PHARMACY BENEFIT MANAGER SERVICES.

(a) IN GENERAL.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986, as amended by the preceding provisions of this Act, is further amended by adding at the end the following:

''SEC. 9827. OVERSIGHT OF PHARMACY BENEFIT MANAGER SERVICES.

''(a) IN GENERAL.—For plan years beginning on or after January 1, 2023, a group health plan or an entity or subsidiary providing pharmacy benefits management services on behalf of such a plan shall not enter into a contract with a drug manufacturer, distributor, wholesaler, subcontractor, rebate aggregator, or any associated third party that limits the disclosure of information to plan sponsors in such a manner that prevents the plan, or an entity or subsidiary providing pharmacy benefits management services on behalf of a plan, from making the reports described in subsection (b).

''(b) REPORTS.—

''(1) IN GENERAL.—For plan years beginning on or after January 1, 2023, not less frequently than once every 6 months, an entity providing pharmacy benefits management services on behalf of a group health plan shall submit to the plan sponsor (as defined in section 3(16)(B) of the Employee Retirement Income Security Act of 1974) of such group health plan a report in accordance with this subsection and make such report available to the plan sponsor in a machine-readable format. Each such report shall include, with respect to the applicable group health plan—

''(A) as applicable, information collected from drug manufacturers by such entity on the total amount of copayment assistance dollars paid, or copayment cards applied, that were funded by the drug manufacturer with respect to the participants and beneficiaries in such plan;

''(B) a list of each drug covered by such plan or entity providing pharmacy benefit management services that was dispensed during the reporting period, including, with respect to each such drug during the reporting period—

''(i) the brand name, chemical entity, and National Drug Code;

''(ii) the number of participants and beneficiaries for whom the drug was filled during the plan year, the total number of prescription fills for the drug (including original prescriptions and refills), and the total number of dosage units of the drug dispensed across the plan year, including whether the dispensing channel was by retail, mail order, or specialty pharmacy;

''(iii) the wholesale acquisition cost, listed as cost per days supply and cost per pill, or in the case of a drug in another form, per dose;

''(iv) the total out-of-pocket spending by participants and beneficiaries on such drug, including participant and beneficiary spending through copayments, coinsurance, and deductibles; and

''(v) for any drug for which gross spending of the group health plan exceeded $10,000 during the reporting period—

''(I) a list of all other drugs in the same therapeutic category or class, including brand name drugs and biological products and generic drugs or biosimilar biological products that are in the same therapeutic category or class as such drug; and

''(II) the rationale for preferred formulary placement of such drug in that therapeutic category or class;

''(C) a list of each therapeutic category or class of drugs that were dispensed under the health plan during the reporting period, and, with respect to each such therapeutic category or class of drugs, during the reporting period—

''(i) total gross spending by the plan, before manufacturer rebates, fees, or other manufacturer remuneration;

''(ii) the number of participants and beneficiaries who filled a prescription for a drug in that category or class;

''(iii) if applicable to that category or class, a description of the formulary tiers and utilization mechanisms (such as prior authorization or step therapy) employed for drugs in that category or class;

''(iv) the total out-of-pocket spending by participants and beneficiaries, including participant and beneficiary spending through copayments, coinsurance, and deductibles; and

''(v) for each therapeutic category or class under which 3 or more drugs are included on the formulary of such plan—

''(I) the amount received, or expected to be received, from drug manufacturers in rebates, fees, alternative discounts, or other remuneration—

''(aa) to be paid by drug manufacturers for claims incurred during the reporting period; or

''(bb) that is related to utilization of drugs, in such therapeutic category or class;

''(II) the total net spending, after deducting rebates, price concessions, alternative discounts or other remuneration from drug manufacturers, by the health plan on that category or class of drugs; and

''(III) the net price per course of treatment or single fill, such as a 30-day supply or 90-day supply, incurred by the health plan and its participants and beneficiaries, after manufacturer rebates, fees, and other remuneration for drugs dispensed within such therapeutic category or class during the reporting period;

''(D) total gross spending on prescription drugs by the plan during the reporting period, before rebates and other manufacturer fees or remuneration;

''(E) total amount received, or expected to be received, by the health plan in drug manufacturer rebates, fees, alternative discounts, and all other remuneration received from the manufacturer or any third party, other than the plan sponsor, related to utilization of drug or drug spending under that health plan during the reporting period;

''(F) the total net spending on prescription drugs by the health plan during the reporting period; and

''(G) amounts paid directly or indirectly in rebates, fees, or any other type of remuneration to brokers, consultants, advisors, or any other individual or firm who referred the group health plan's business to the pharmacy benefit manager.

''(2) PRIVACY REQUIREMENTS.—Entities providing pharmacy benefits management services on behalf of a group health plan shall provide information under paragraph (1) in a manner consistent with the privacy, security, and breach notification regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996, and shall restrict the use and disclosure of such information according to such privacy regulations.

''(3) DISCLOSURE AND REDISCLOSURE.—

''(A) LIMITATION TO BUSINESS ASSOCIATES.—A group health plan receiving a report under paragraph (1) may disclose such information only to business associates of such plan as defined in section 160.103 of title 45, Code of Federal Regulations (or successor regulations).

''(B) CLARIFICATION REGARDING PUBLIC DISCLOSURE OF INFORMATION.—Nothing in this section prevents an entity providing pharmacy benefits management services on behalf of a group health plan from placing reasonable restrictions on the public disclosure of the information contained in a report described in paragraph (1), except that such entity may not restrict disclosure of such report to the Department of Health and Human Services, the Department of Labor, or the Department of the Treasury.

''(C) LIMITED FORM OF REPORT.—The Secretary shall define through rulemaking a limited form of the report under paragraph (1) required of plan sponsors who are drug manufacturers, drug wholesalers, or other direct participants in the drug supply chain, in order to prevent anticompetitive behavior.

''(4) REPORT TO GAO.—An entity providing pharmacy benefits management services on behalf of a group health plan shall submit to the Comptroller General of the United States each of the first 4 reports submitted to a plan sponsor under paragraph (1) with respect to such plan, and other such reports as requested, in accordance with the privacy requirements under paragraph (2) and the disclosure and redisclosure standards under paragraph (3), and such other information that the Comptroller General determines necessary to carry out the study under section 30606(b) of an Act to provide for reconciliation pursuant to title II of S. Con. Res. 14.

''(c) ENFORCEMENT.—

''(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Labor and the Secretary of Health and Human Services, shall enforce this section.

''(2) FAILURE TO PROVIDE TIMELY INFORMATION.—An entity providing pharmacy benefit management services that violates subsection (a) or fails to provide information required under subsection (b), or a drug manufacturer that fails to provide information under subsection (b)(1)(A) in a timely manner, shall be subject to a civil monetary penalty in the amount of $10,000 for each day during which such violation continues or such information is not disclosed or reported.

''(3) FALSE INFORMATION.—An entity providing pharmacy benefit management services, or drug manufacturer that knowingly provides false information under this section shall be subject to a civil money penalty in an amount not to exceed $100,000 for each item of false information. Such civil money penalty shall be in addition to other penalties as may be prescribed by law.

''(4) PROCEDURE.—The provisions of section 1128A of the Social Security Act, other than subsection (a) and (b) and the first sentence of subsection (c)(1) of such section shall apply to civil monetary penalties under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A of the Social Security Act.

''(5) WAIVERS.—The Secretary may waive penalties under paragraph (2), or extend the period of time for compliance with a requirement of this section, for an entity in violation of this section that has made a good-faith effort to comply with this section.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to permit a group health plan or other entity to restrict disclosure to, or otherwise limit the access of, the Department of the Treasury to a report described in subsection (b)(1) or information related to compliance with subsection (a) by such plan or entity.

''(e) DEFINITION.—In this section, the term 'wholesale acquisition cost' has the meaning given such term in section 1847A(c)(6)(B) of the Social Security Act.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 100 of the Internal Revenue Code of 1986, as amended by the preceding provisions of this Act, is further amended by adding at the end the following new item:

''Sec. 9827. Oversight of pharmacy benefit manager services.''.

PART 4—PATHWAY TO PRACTICE TRAINING PROGRAMS

SEC. 137401. ADMINISTRATIVE FUNDING OF THE RURAL AND UNDERSERVED PATHWAY TO PRACTICE TRAINING PROGRAMS FOR POST-BACCALAUREATE STUDENTS, MEDICAL STUDENTS, AND MEDICAL RESIDENTS.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $6,000,000 to remain available until September 30, 2031, in addition to amounts otherwise available, to carry out the administration of the Rural and Underserved Pathway to Practice Training Program for Post-Baccalaureate and Medical Students under section 1899C of such Act (42 U.S.C. 1395mmm) and the Rural and Underserved Pathway to Practice Training Programs for Medical Residents under section 1886(h)(4)(H)(vii) of such Act (42 U.S.C. 1395ww(h)(4)(H)(vii)). Amounts transferred under the preceding sentence shall remain available until expended.

SEC. 137402. ESTABLISHING RURAL AND UNDERSERVED PATHWAY TO PRACTICE TRAINING PROGRAMS FOR POST-BACCALAUREATE STUDENTS AND MEDICAL STUDENTS.

(a) PROGRAM.—

(1) IN GENERAL.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

''SEC. 1899C. RURAL AND UNDERSERVED PATHWAY TO PRACTICE TRAINING PROGRAM FOR POST-BACCALAUREATE AND MEDICAL STUDENTS.

''(a) IN GENERAL.—Not later than October 1, 2023, the Secretary shall, subject to the succeeding provisions of this section, carry out the 'Rural and Underserved Pathway to Practice Training Program for Post-Baccalaureate and Medical Students' (in this section, referred to as the 'Program') under which the Secretary awards Pathway to Practice medical scholarship vouchers to qualifying students described in subsection (b) for the purpose of increasing the number of physicians practicing in rural and underserved communities.

''(b) QUALIFYING STUDENT DESCRIBED.—For purposes of this section, a qualifying student described in this subsection is an individual who—

''(1) attests he or she—

''(A) is or will be a first-generation student of a 4-year college, graduate school, or professional school;

''(B) was a Pell Grant recipient; or

''(C) lived in a medically underserved area, rural area, or health professional shortage area for a period of 4 or more years prior to attending an undergraduate program;

''(2) has accepted enrollment in—

''(A) a post-baccalaureate program that is not more than 2 years and intends to enroll in a qualifying medical school within 2 years after completion of such program; or

''(B) a qualifying medical school;

''(3) will practice medicine in a health professional shortage area, medically underserved area, public hospital, rural area, or as required under subsection (d)(5); and

''(4) submits an application and a signed copy of the agreement described under subsection (c).

''(c) APPLICATIONS.—

''(1) IN GENERAL.—To be eligible to receive a Pathway to Practice medical scholarship voucher under this section, a qualifying student described in subsection (b) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(2) INFORMATION TO BE INCLUDED.—As a part of the application described in paragraph (1), the Secretary shall include a notice of the items which are required to be agreed to under subsection (d)(5) for the purpose of notifying the qualifying student of the terms of the Rural and Underserved Pathway to Practice Training Program for Post-Baccalaureate and Medical Students.

''(d) PATHWAY TO PRACTICE MEDICAL SCHOLARSHIP VOUCHER DETAILS.—

''(1) NUMBER.—On an annual basis, the Secretary shall award a Pathway to Practice medical scholarship voucher under the Program to 1,000 qualifying students described in subsection (b).

''(2) PRIORITIZATION CRITERIA.—In determining whether to award a Pathway to Practice medical scholarship voucher under the Program to qualifying students described in subsection (b), the Secretary shall prioritize applications from any such student who attests that he or she—

''(A) was a participant in the Health Resources and Services Administration Health Careers Opportunity Program, Centers of Excellence Program, or an Area Health Education Center program;

''(B) is a disadvantaged student (as defined by the National Health Service Corps of the Health Resources & Services Administration of the Department of Health and Human Services); or

''(C) attended a historically black college or other minority serving institution (as defined in section 1067q of title 20, United States Code).

''(3) DURATION.—Each Pathway to Practice medical scholarship voucher awarded to a qualifying student pursuant to paragraph (1) shall be so awarded to such a student on an annual basis for each year of enrollment in a post-baccalaureate program and a qualifying medical school (as appropriate).

''(4) AMOUNT.—Subject to paragraph (5), each Pathway to Practice medical scholarship voucher awarded under the Program shall include amounts for—

''(A) tuition;

''(B) academic fees (as determined by the qualifying medical school);

''(C) required textbooks and equipment;

''(D) a monthly stipend equal to the amount provided for individuals under the health professions scholarship and financial assistance program for active service stipend monthly rate; and

''(E) any other educational expenses normally incurred by students at the post-baccalaureate program or qualifying medical school (as appropriate).

''(5) REQUIRED AGREEMENT.—No amounts under paragraph (4) may be provided to a qualifying student awarded a Pathway to Practice medical scholarship voucher under the Program unless the qualifying student submits to the Secretary an agreement to—

''(A) complete a post-baccalaureate program that is not more than 2 years (if applicable pursuant to the option under subsection (b)(2)(A));

''(B) graduate from a qualifying medical school;

''(C) complete a residency program in an approved residency training program (as defined in section 1886(h)(5)(A));

''(D) complete an initial residency period or the period of board eligibility;

''(E) practice medicine for at least the number of years of the Pathway to Practice medical scholarship voucher awarded under paragraph (2) after a residency program in a health professional shortage area, a medically underserved area, a public hospital, or a rural area, and during such period annually submit documentation with respect to whether the qualifying student practices medicine in such an area and where;

''(F) for the purpose of determining compliance with subparagraph (E), not later than 180 days after the date on which qualifying student completes a residency program, provide to the Secretary information with respect to where the qualifying student is practicing medicine following the period described in such subparagraph;

''(G) except in the case of a waiver for hardship pursuant to section 1892(f)(3), be liable to the United States pursuant to section 1892 for any amounts received under this Program that is determined a past-due obligation under subsection (b)(3) of such section in the case qualifying student fails to complete all of the requirements of this agreement under this subsection; and

''(H) for the purpose of determining the amount of Pathway to Practice medical scholarship vouchers paid or incurred by a qualifying medical school or any provider of a post-baccalaureate program referred to in subsection (b)(2)(A) for the costs of each item specified under paragraph (4), consent to any personally identifying information being shared with the Secretary of the Treasury.

''(6) RESPONSIBILITIES OF PARTICIPATING EDUCATIONAL INSTITUTIONS.—Each annual award of an amount of Pathway to Practice medical scholarship voucher under paragraph (2) shall be made with respect to a specific qualifying medical school or to a post-baccalaureate program that is not more than 2 years and such school or program shall (as a condition of, and prior to, such award being made with respect to such school or program)—

''(A) submit to the Secretary such information as the Secretary may require to determine the amount of such award on the basis of the costs of the items specified under paragraph (4) (except for subparagraph (D)) with respect to such school or program, and

''(B) enter into an agreement with the Secretary under which such school or program will verify (in such manner as the Secretary may provide) that amounts paid by such school or program to the qualifying student are used for such costs.

''(e) DEFINITIONS.—In this section:

''(1) HEALTH PROFESSIONAL SHORTAGE AREA.—The team 'health professional shortage area' has the meaning given such term in subparagraphs (A) or (B) of section 332(a)(1) of the Public Health Service Act.

''(2) INITIAL RESIDENCY PERIOD.—The term 'initial residency period' has the meaning given such term in section 1886(h)(5)(F).

''(3) MEDICALLY UNDERSERVED AREA.—The term 'medically underserved area' means an area designated pursuant to section 330(b)(3)(A) of the Public Health Service Act.

''(4) PELL GRANT RECIPIENT.—The term 'Pell Grant recipient' has the meaning given such term in section 322(3) of the Higher Education Act of 1965.

''(5) PERIOD OF BOARD ELIGIBILITY.—The term 'period of board eligibility' has the meaning given such term in section 1886(h)(5)(G).

''(6) QUALIFYING MEDICAL SCHOOL.—The term 'qualifying medical school' means a school of medicine accredited by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges (or approved by such Committee as meeting the standards necessary for such accreditation) or a school of osteopathy accredited by the American Osteopathic Association, or approved by such Association as meeting the standards necessary for such accreditation which—

''(A) for each academic year, enrolls at least 10 qualifying students who are in enrolled in such a school;

''(B) requires qualifying students to enroll in didactic coursework and clinical experience applicable to practicing medicine in health professional shortage areas, medically underserved areas, or rural areas, including—

''(i) clinical rotations in such areas in applicable specialties (as applicable and as available);

''(ii) coursework or training experiences focused on medical issues prevalent in such areas and cultural or structural competency; and

''(C) is located in a State (as defined in section 210(h)).

''(7) RURAL AREA.—The term 'rural area' has the meaning given such term in section 1886(d)(2)(D).

''(f) PENALTY FOR FALSE INFORMATION.—Any person who knowingly and willfully obtains by fraud, false statement, or forgery, or fails to refund any funds, assets, or property provided under this section or attempts to so obtain by fraud, false statement or forgery, or fail to refund any funds, assets, or property, received pursuant to this section shall be fined not more than $20,000 or imprisoned for not more than 5 years, or both.''.

(2) AGREEMENTS.—Section 1892 of the Social Security Act (42 U.S.C. 1395ccc) is amended—

(A) in subsection (a)(1)(A)—

(i) by striking '', or the'' and inserting '', the''; and

(ii) by inserting ''or the Rural and Underserved Pathway to Practice Training Program for Post- Baccalaureate and Medical Students under section 1899C'' before '', owes a past-due obligation'';

(B) in subsection (b)—

(i) in paragraph (1), by striking at the end ''or'';

(ii) in paragraph (2), by striking the period at the end and inserting ''; or''; and

(iii) by adding the end the following new paragraph:

''(3) subject to subsection (f), owed by an individual to the United States by breach of an agreement under section 1899C(c) and which payment has not been paid by the individual for any amounts received under the Rural and Underserved Pathway to Practice Training Program for Post-Baccalaureate and Medical Students (and accrued interest determined in accordance with subsection (f)(4)) in the case such individual fails to complete the requirements of such agreement.''; and

(C) by adding at the end the following new subsection:

''(f) AUTHORITIES WITH RESPECT TO THE COLLECTION UNDER THE PATHWAY TO PRACTICE TRAINING PROGRAM.—The Secretary—

''(1) shall require payment to the United States for any amount of damages that the United States is entitled to recover under subsection (b)(3), within the 5-year period beginning on the date an eligible individual fails to

complete the requirements of such agreement under section 1899C(d)(5) (or such longer period beginning on such date as specified by the Secretary), and any such amounts not paid within such period shall be subject to collection through deductions in Medicare payments pursuant to subsection (e);

''(2) shall allow payments described in paragraph (1) to be paid in installments over such 5-year period, which shall accrue interest in an amount determined pursuant to paragraph (5);

''(3) shall waive the requirement for an individual to pay a past-due obligation under subsection (b)(3) in the case of hardship (as determined by the Secretary);

''(4) shall not disclose any past-due obligation under subsection (b)(3) that is owed to the United States to any credit reporting agency that the United States entitled to be recovered the United States under this section; and

''(5) shall make a final determination of whether the amount of payment under section 1899C made to a qualifying student (as described in subsection (b) of such section) was in excess of or less than the amount of payment that is due, and payment of such excess or deficit is not made (or effected by offset) within 90 days of the date of the determination, and interest shall accrue on the balance of such excess or deficit not paid or offset (to the extent that the balance is owed by or owing to the provider) at a rate determined in accordance with the regulations of the Secretary of the Treasury applicable to charges for late payments.''.

SEC. 137403. FUNDING FOR THE RURAL AND UNDERSERVED PATHWAY TO PRACTICE TRAINING PROGRAMS FOR POST-BACCALAUREATE STUDENTS AND MEDICAL STUDENTS.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986, as amended by the preceding provisions of this Act, is amended by inserting after section 36F the following new section:

''SEC. 36G. PATHWAY TO PRACTICE MEDICAL SCHOLARSHIP VOUCHER CREDIT.

''(a) IN GENERAL.—In the case of a qualified educational institution, there shall be allowed as a credit against the tax imposed by this subtitle for any taxable year an amount equal to the aggregate amount paid or incurred by such institution during such taxable year pursuant to any Pathway to Practice medical scholarship voucher awarded to a qualifying student with respect to such institution.

''(b) DETERMINATION OF AMOUNTS PAID PURSUANT TO QUALIFIED SCHOLARSHIP VOUCHERS, ETC.—For purposes of this section—

''(1) an amount shall be treated as paid or incurred pursuant to an annual award of a Pathway to Practice medical scholarship voucher only if such amount is paid or incurred in reimbursement, or anticipation of, an expense described in subparagraphs (A) through (E) of paragraph (4) of section 1899C(d) of the Social Security Act and is subject to verification in such manner as the Secretary of Health and Human Services may provide under paragraph (6) of such section, and

''(2) in the case of any amount credited by a qualified educational institution against a liability owed by the qualifying student to such institution, such amount shall be treated as paid by such institution to such student as of the date that such liability would otherwise be due.

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED EDUCATIONAL INSTITUTION.—The term 'qualified educational institution' means, with respect to any annual award of a Pathway to Practice medical scholarship voucher—

''(A) any qualifying medical school (as defined in subsection (e)(6) of section 1899C of the Social Security Act), and

''(B) any provider of a post-baccalaureate program referred to in subsection (b)(2)(A) of such section,

which meets the requirements of subsection (d)(6) of such section.

''(2) QUALIFYING STUDENT.—The term 'qualifying student' means any student to whom the Secretary of Health and Human Services has made an annual award of a Pathway to Practice medical scholarship voucher under section 1899C of the Social Security Act.

''(3) ANNUAL AWARD OF A PATHWAY TO PRACTICE MEDICAL SCHOLARSHIP VOUCHER.—The term 'annual award of a Pathway to Practice medical scholarship voucher' means the annual award of a Pathway to Practice medical scholarship voucher referred to in section 1899C(d)(3) of the Social Security Act.

''(d) COORDINATION OF ACADEMIC AND TAXABLE YEARS.—The credit allowed under subsection (a) with respect to any Pathway to Practice medical scholarship voucher shall not exceed the amount of such voucher which is for expenses described in subparagraphs (A) through (E) of section 1899C(d)(4) of the Social Security Act, reduced by any amount of such voucher with respect to which credit was allowed under this section for any prior taxable year.

''(e) REGULATIONS.—The Secretary shall issue such regulations or other guidance as are necessary or appropriate to carry out the purposes of this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4)(A), as amended by the preceding provisions of this Act, is amended by inserting ''36G,'' after ''36F,''.

(2) Paragraph (2) of section 1324(b) of title 31, United States Code, as amended by the preceding provisions of this Act, is amended by inserting ''36G,'' after ''36F,''.

(3) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986, and amended by the preceding provisions of this Act, is amended by inserting after the item relating to section 36F the following new item:

''Sec. 36G. Pathway to Practice medical scholarship voucher credit.''.

(c) INFORMATION SHARING.—The Secretary of Health and Human Services shall annually provide the Secretary of the Treasury such information regarding the program under section 1899C of the Social Security Act as the Secretary of the Treasury may require to administer the tax credits determined under section 36G of the Internal Revenue Code of 1986, including information to identify qualifying students and the qualified educational institutions at which such students are enrolled and the amount of the annual award of the Pathway to Practice medical scholarship voucher awarded to each such student with respect to such institution. Terms used in this subparagraph shall have the same meaning as when used in such section 36G.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 137404. ESTABLISHING RURAL AND UNDERSERVED PATHWAY TO PRACTICE PROGRAM FOR MEDICAL RESIDENTS.

Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended—

(1) in subsection (d)(5)(B)(v), by inserting ''(h)(4)(H)(vii),'' after ''The provisions of subsections (h)(4)(H)(vi),''; and

(2) in subsection (h)(4)(H), by adding at the end the following new clause:

''(vii) EXCLUSION FROM FULL-TIME EQUIVALENT LIMITATION FOR HOSPITALS IMPLEMENTING RURAL AND UNDERSERVED PATHWAY TO PRACTICE PROGRAM.—

''(I) IN GENERAL.—For cost reporting periods beginning on or after October 1, 2026, during which a qualifying resident (as defined in subclause (II)) trains in an applicable hospital (as defined in subclause (III)), the Secretary shall, for such cost reporting period by the number of full-time equivalent residents so trained within the applicable hospital during such period, exclude from the limitation under subparagraph (F).

''(II) QUALIFYING RESIDENT.—For purposes of this clause, the term 'qualifying resident' means a full-time equivalent resident who—

''(aa) was a qualifying student awarded a Pathway to Practice medical scholarship voucher under section 1899C; and

''(bb) graduated from a qualifying medical school.

''(III) APPLICABLE HOSPITAL.—

''(aa) IN GENERAL.—For purposes of this clause, the term 'applicable hospital' means any hospital that—

''(AA) meets the requirements of item (bb);

''(BB) agrees to provide data to the Secretary with respect to where qualifying residents (as defined in subclause (II)) practice medicine or participate in fellowships immediately following their residencies; and

''(CC) agrees to promote community-based training of qualifying residents (as defined in subclause (II)), as appropriate.

''(bb) OTHER REQUIREMENTS.—For the purpose of item (aa)(AA), an applicable hospital shall also be a subsection (d) hospital that has been recognized by the Accreditation Council for Graduate Medical Education as meeting the following requirements:

''(AA) Such hospital provides mentorships for residents.

''(BB) Such hospital includes cultural or structural competency as part of the training of residents.

''(CC) The hospital has a demonstrated record of training medical residents in health professional shortage areas, medically underserved areas, public hospitals, or rural areas.

''(IV) OTHER DEFINITIONS.—

''(aa) HEALTH PROFESSIONAL SHORTAGE AREA.—The team 'health professional shortage area' has the meaning given such term in subparagraphs (A) or (B) of section 332(a)(1) of the Public Health Service Act.

''(bb) MEDICALLY UNDERSERVED AREA.—The term 'medically underserved area' means an area designated pursuant to section 330(b)(3)(A) of the Public Health Service Act.

''(cc) QUALIFYING MEDICAL SCHOOL.—The term 'qualifying medical school' has the meaning given such term in section 1899C(e)(6).

''(dd) QUALIFYING MEDICAL STUDENT.—The term 'qualifying medical student' has the meaning given such term in section 1899C(b).

''(ee) RURAL AREA.—The term 'rural area' has the meaning given such term in section 1886(d)(2)(D).''.

SEC. 137405. DISTRIBUTION OF ADDITIONAL RESIDENCY POSITIONS.

(a) IN GENERAL.—Section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) is amended—

(1) in paragraph (4)(F)(i), by striking ''and (9)'' and inserting ''(9), and (10)'';

(2) in paragraph (4)(H)(i), by striking ''and (9)'' and inserting ''(9), and (10)''; and

(3) by adding at the end the following new paragraph:

''(10) DISTRIBUTION OF ADDITIONAL RESIDENCY POSITIONS.—

''(A) ADDITIONAL RESIDENCY POSITIONS.—

''(i) IN GENERAL.—For fiscal years 2025 and 2026, and for each succeeding fiscal year until the aggregate number of full-time equivalent residency positions distributed under this paragraph is equal to the aggregate number of such positions made available (as specified in clause (ii)), the Secretary shall, subject to the succeeding provisions of this paragraph, increase the otherwise applicable resident limit for each qualifying hospital (as defined in subparagraph (F)) that submits a timely application under this subparagraph by such number as the Secretary may approve effective beginning July 1 of the fiscal year of the increase.

''(ii) NUMBER AVAILABLE FOR DISTRIBUTION.—

''(I) TOTAL NUMBER AVAILABLE.—The aggregate number of such positions made available under this paragraph shall be equal to 4,000.

''(II) ANNUAL LIMIT.—The aggregate number of such positions so made available shall not exceed 2,000 for a fiscal year.

''(iii) ROUNDS OF APPLICATIONS.—The Secretary shall initiate a separate round of applications for an increase under clause (i) for each fiscal year for which such an increase is to be provided.

''(iv) DISTRIBUTION FOR PRIMARY CARE, PSYCHIATRY, AND OTHER RESIDENCIES.—

''(I) IN GENERAL.—Except as provided under subclause (II), of the positions made available under this paragraph—

''(aa) not less than 25 percent shall be in a primary care residency (as defined in subparagraph (F)) or obstetrics and gynecology residency; and

''(bb) not less than 15 percent shall be in a psychiatry residency (as defined in such subparagraph).

''(II) DISTRIBUTION FOR OTHER RESIDENCIES.—The requirement under subclause (I) shall not apply with respect to any positions made available under this paragraph that are not distributed to a qualifying hospital by July 1, 2027, and such positions shall be distributed to hospitals in accordance with subparagraph (B), without regard to specialty.

''(v) CLARIFICATION REGARDING AVAILABILITY OF OTHER INCREASE.—A qualifying hospital may apply for, and receive, an increase under this paragraph and paragraph (9) for a fiscal year.

''(B) DISTRIBUTION.—For purposes of providing an increase in the otherwise applicable resident limit under subparagraph (A), the following shall apply:

''(i) ELIGIBLE HOSPITALS.—With respect to the aggregate number of such positions available for distribution under this paragraph, the Secretary shall distribute 30 percent of such aggregate number to the category of hospitals described in subclause (II) of clause (ii), 20 percent of such aggregate number to each of the categories of hospitals described in subclauses (I), (III), and (IV) of such clause, and 10 percent of such aggregate number to the category of hospitals described in subclause (V) of such clause, subject to clauses (iii) and (iv).

''(ii) CATEGORIES OF HOSPITALS DESCRIBED.—The following categories of hospitals are described in this clause:

''(I) Hospitals that are located in a rural area (as defined in subsection (d)(2)(D)) or are treated as being located in a rural area pursuant to subsection (d)(8)(E), hospitals that are located in a census tract assigned a rural-urban commuting area code of 4 or greater, and hospitals that are a sole community hospital (as defined in subsection (d)(5)(D)(iii)).

''(II) Hospitals in which the reference resident level of the hospital (as specified in subparagraph (F)(v)) is greater than the otherwise applicable resident limit.

''(III) Hospitals in States with—

''(aa) a new medical school that received 'Candidate School' status from the Liaison Committee on Medical Education or 'Pre-Accreditation' status from the American Osteopathic Association Commission on Osteopathic College Accreditation on or after January 1, 2000, and achieved or continued to progress toward 'Full Accreditation' status (as such term is defined by the Liaison Committee on Medical Education) or toward 'Accreditation' status (as such term is defined by the American Osteopathic Association Commission on Osteopathic College Accreditation); or

''(bb) an additional location or branch campus established on or after January 1, 2000, by a medical school with 'Full Accreditation' status (as such term is defined by the Liaison Committee on Medical Education) or 'Accreditation' status (as such term is defined by the American Osteopathic Association Commission on Osteopathic College Accreditation).

''(IV) Hospitals that are located in or serve an area designated as a health professional shortage area under section 332(a)(1)(A) of the Public Health Service Act or serve a population group designated under section 332(a)(1)(B) of such Act, as determined by the Secretary.

''(V) Hospitals located in States in the lowest quartile for resident-to-population ratios, as defined by the Secretary.

''(iii) DISTRIBUTION TO OTHER HOSPITALS.—Any positions made available under this paragraph that are not distributed to a qualifying hospital in accordance with clause (i) by July 1, 2027, shall be distributed to other hospitals, subject to the requirement under clause (iv). In carrying out the preceding sentence, the Secretary shall ensure that such positions are first offered to qualifying hospitals in categories described in clause (ii) before being distributed to other hospitals.

''(iv) REQUIREMENT.—A hospital shall only be eligible to receive positions made available under this paragraph if the hospital demonstrates to the Secretary that the hospital is likely to—

''(I) fill such positions within the first 5 training years beginning after the date the increase would be effective, as determined by the Secretary; and

''(II) use some portion (as specified by the Secretary) of such positions for the residencies described in (A)(iv).

''(C) CONDITIONS OF DISTRIBUTION.—

''(i) IN GENERAL.—Subject to clause (iv), a hospital that receives an increase in the otherwise applicable resident limit under this paragraph shall ensure, during the 5-year period beginning on the date of such increase, that the numbers of full-time equivalent residents in a primary care or psychiatry residency (as those terms are defined in subparagraph (F)), excluding any additional positions attributable to an increase under this paragraph, are not less than the average numbers of full-time equivalent residents in a primary care or psychiatry residency (as so defined) during the 3 most recent cost reporting periods ending prior to the date of enactment of this paragraph.

''(ii) REPORTING REQUIREMENTS.—Subject to clause (iv), a hospital that receives an increase in the otherwise applicable resident limit under this paragraph shall, after making a good faith attempt to collect information from former residents, report to the Secretary in a time and manner specified by the Secretary the following information for each year (beginning with the first year for which the hospital receives an increase in the otherwise applicable resident limit under this paragraph), as applicable:

''(I) Race and ethnicity of residents.

''(II) The practice patterns of residents one and two years after completion of their residency, including the number and percent of residents who—

''(aa) practice in a primary care, psychiatry, or other specialty;

''(bb) primarily serve or are located in a health professional shortage area with a designation in effect under section 332 of the Public Health Service Act; or

''(cc) primarily serve or are located in a rural area (as defined in subsection (d)(2)(D)).

''(iii) REQUIREMENT FOR RURAL HOSPITALS TO EXPAND EXISTING PROGRAMS.—Subject to clause (iv), if a hospital that receives an increase in the otherwise applicable resident limit under this paragraph would be eligible for an adjustment to the otherwise applicable resident limit for participation in a new medical residency training program under section 413.79(e)(3) of title 42, Code of Federal Regulations (or any successor regulation), the hospital shall ensure that any positions made available under this paragraph are used to expand an existing program of the hospital, and not for participation in a new medical residency training program.

''(iv) REDISTRIBUTION OF POSITIONS IF HOSPITAL NO LONGER MEETS CERTAIN REQUIREMENTS.—In the case where the Secretary determines that a hospital that receives an increase in the otherwise applicable resident limit under this paragraph does not meet either of the requirements under clause (i), the reporting requirements under clause (ii), or, if applicable, the requirement under clause (iii), the Secretary shall—

''(I) reduce the otherwise applicable resident limit of the hospital by the amount by which such limit was increased under this paragraph; and

''(II) provide for the distribution of positions attributable to such reduction to other qualifying hospitals in accordance with the requirements of this paragraph.

''(v) LIMITATION.—A hospital may not receive more than 25 additional full-time equivalent residency positions under this paragraph.

''(D) APPLICATION OF PER RESIDENT AMOUNTS FOR PRIMARY CARE AND NONPRIMARY CARE.—With respect to additional residency positions in a hospital attributable to the increase provided under this paragraph, the approved FTE per resident amounts are deemed to be equal to the hospital per resident amounts for primary care and nonprimary care computed under paragraph (2)(D) for that hospital.

''(E) PERMITTING FACILITIES TO APPLY AGGREGATION RULES.—The Secretary shall permit hospitals receiving additional residency positions attributable to the increase provided under this paragraph to, beginning in the fifth year after the effective date of such increase, apply such positions to the limitation amount under paragraph (4)(F) that may be aggregated pursuant to paragraph (4)(H) among members of the same affiliated group.

''(F) DEFINITIONS.—In this paragraph:

''(i) OTHERWISE APPLICABLE RESIDENT LIMIT.—The term 'otherwise applicable resident limit' means, with respect to a hospital, the limit otherwise applicable under subparagraphs (F)(i) and (H) of paragraph (4) on the resident level for the hospital determined without regard to this paragraph but taking into account paragraphs (7)(A), (7)(B), (8)(A), (8)(B), or (9)(A).

''(ii) PRIMARY CARE RESIDENCY.—The term 'primary care residency' means a residency training program described in paragraph (5)(H).

''(iii) PSYCHIATRY RESIDENCY.—The term 'psychiatry residency' means a residency in psychiatry, addiction medicine, addiction psychiatry, pain medicine, child and adolescent psychiatry, consultation-liaison psychiatry, geriatric psychiatry, brain injury medicine, forensic psychiatry, hospice and palliative medicine, and sleep medicine. Such term includes a residency in a program that is a prerequisite (as determined by the Secretary) for a residency described in the preceding sentence.

''(iv) QUALIFYING HOSPITAL.—The term 'qualifying hospital' means a hospital described in any of subclauses (I) through (V) of subparagraph (B)(ii).

''(v) REFERENCE RESIDENT LEVEL.—The term 'reference resident level' means, with respect to a hospital, the resident level for the most recent cost reporting period of the hospital ending on or before the date of enactment of this paragraph, for which a cost report has been settled (or, if not, submitted (subject to audit)), as determined by the Secretary.

''(vi) RESIDENT LEVEL.—The term 'resident level' has the meaning given such term in paragraph (7)(C)(i).

''(G) FUNDING.—There is appropriated to the Secretary, out of any amounts in the Treasury not otherwise appropriated, $10,000,000, to remain available until expended, for purposes of carrying out this paragraph and subsection (d)(5)(B)(xiii).''.

(b) IME.—Section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) is amended—

(1) in clause (v), in the third sentence, by striking ''and (h)(9)'' and inserting ''(h)(9), and (h)(10)'';

(2) by adding at the end the following new clause:

''(xiii) For discharges occurring on or after July 1, 2024, insofar as an additional payment

amount under this subparagraph is attributable to resident positions distributed to a hospital under subsection (h)(10), the indirect teaching adjustment factor shall be computed in the same manner as provided under clause (ii) with respect to such resident positions.''.

PART 5—HIGHER EDUCATION

SEC. 137501. CREDIT FOR PUBLIC UNIVERSITY RESEARCH INFRASTRUCTURE.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

''SEC. 45AA. PUBLIC UNIVERSITY RESEARCH INFRASTRUCTURE CREDIT.

''(a) ALLOWANCE OF CREDIT.—For purposes of section 38, the public university research infrastructure credit determined under this section for a taxable year is an amount equal to 40 percent of the qualified cash contributions made by a taxpayer during such taxable year.

''(b) QUALIFIED CASH CONTRIBUTION.—

''(1) IN GENERAL.—

''(A) DEFINED.—For purposes of subsection (a), the qualified cash contribution for any taxable year is the aggregate amount contributed in cash by a taxpayer during such taxable year to a certified educational institution in connection with a qualifying project that, but for this section, would be treated as a charitable contribution for purposes of section 170(c).

''(B) QUALIFIED CASH CONTRIBUTIONS TAKEN INTO ACCOUNT FOR PURPOSES OF CHARITABLE CONTRIBUTION LIMITATIONS.—Any qualified cash contributions made by a taxpayer under this section shall be taken into account for purposes of determining the percentage limitations under section 170(b).

''(2) DESIGNATION REQUIRED.—A contribution shall only be treated as a qualified cash contribution to the extent that it is designated as such by a certified educational institution under subsection (d).

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFYING PROJECT.—The term 'qualifying project' means a project to purchase, construct, or improve research infrastructure property.

''(2) RESEARCH INFRASTRUCTURE PROPERTY.—The term 'research infrastructure property' means any portion of a property, building, or structure of an eligible educational institution, or any land associated with such property, building, or structure, that is used for research.

''(3) ELIGIBLE EDUCATIONAL INSTITUTION.—The term 'eligible educational institution' means—

''(A) an institution of higher education (as such term is defined in section 101 or 102(c) of the Higher Education Act of 1965) that is a college or university described in section 511(a)(2)(B), or

''(B) an organization described in section 170(b)(1)(A)(iv), section 170(b)(1)(A)(vi), or section 509(a)(3) to which authority has been delegated by an institution described in subparagraph (A) for purposes of applying for or administering credit amounts on behalf of such institution.

''(4) CERTIFIED EDUCATIONAL INSTITUTION.—The term 'certified educational institution' means an eligible educational institution which has been allocated a credit amount for a qualifying project and—

''(A) has received a certification for such project by submitting an application as required under subsection (d)(2), and

''(B) designates credit amounts to taxpayers for qualifying cash contributions toward such project under subsection (d)(4).

''(d) QUALIFYING UNIVERSITY RESEARCH INFRASTRUCTURE PROGRAM.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary, after consultation with the Secretary of Education, shall establish a program to—

''(i) certify and allocate credit amounts for qualifying projects to eligible educational institutions, and

''(ii) allow certified educational institutions to designate cash contributions for qualifying projects of such certified educational institutions as qualified cash contributions.

''(B) LIMITATIONS.—

''(i) ALLOCATION LIMITATION PER INSTITUTION.—The credit amounts allocated to a certified educational institution under subparagraph (A)(i) for all projects shall not exceed $50,000,000 per calendar year.

''(ii) OVERALL ALLOCATION LIMITATION.—

''(I) IN GENERAL.—The total amount of qualifying project credit amounts that may be allocated under subparagraph (A)(i) shall not exceed—

''(aa) $500,000,000 for each of calendar years 2022, 2023, 2024, 2025, and 2026, and

''(bb) $0 for each subsequent year.

''(II) ROLLOVER OF UNALLOCATED CREDIT AMOUNTS.—Any credit amounts described in subclause (I) that are unallocated during a calendar year shall be carried to the succeeding calendar year and added to the limitation allowable under such subclause for such succeeding calendar year.

''(iii) DESIGNATION LIMITATION.—The aggregate amount of cash contributions which are designated by a certified educational institution as qualifying cash contributions with respect to any qualifying project shall not exceed 250 percent of the credit amount allocated to such certified educational institution for a qualifying project under subparagraph (A)(i).

''(2) CERTIFICATION APPLICATION.—Each eligible educational institution which applies for certification of a project under this paragraph shall submit an application in such time, form, and manner as the Secretary may require.

''(3) SELECTION CRITERIA FOR ALLOCATIONS TO ELIGIBLE EDUCATIONAL INSTITUTIONS.—The Secretary, after consultation with the Secretary of Education, shall select applications from eligible educational institutions—

''(A) based on the extent of the expected expansion of an eligible educational institution's targeted research within disciplines in science, mathematics, engineering, and technology, and

''(B) in a manner that ensures consideration is given to eligible educational institutions with full-time student populations of less than 12,000.

''(4) DESIGNATION OF QUALIFIED CASH CONTRIBUTIONS TO TAXPAYERS.—The Secretary, after consultation with the Secretary of Education, shall establish a process by which certified educational institutions shall designate cash contributions to such institutions as qualified cash contributions.

''(5) DISCLOSURE OF ALLOCATIONS AND DESIGNATIONS.—

''(A) ALLOCATIONS.—The Secretary shall, upon allocating credit amounts to an applicant under this subsection, publicly disclose the identity of the applicant and the credit amount allocated to such applicant.

''(B) DESIGNATIONS.—Each certified educational institution shall, upon designating contributions of a taxpayer as qualified cash contributions under this subsection, publicly disclose the identity of the taxpayer and the amount of contributions designated in such time, form, and manner as the Secretary may require.

''(e) REGULATIONS AND GUIDANCE.—The Secretary, after consultation with the Secretary of Education when applicable, shall prescribe such regulations and guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations or other guidance for—

''(1) prevention of abuse,

''(2) establishment of reporting requirements,

''(3) establishment of selection criteria for applications, and

''(4) disclosure of allocations.

''(f) PENALTY FOR NONCOMPLIANCE.—

''(1) IN GENERAL.—If at any time during the 5-year period beginning on the date of the allocation of credit amounts to a certified educational institution under subsection (d)(1)(A)(i) there is a noncompliance event with respect to such credit amounts, then the following rules shall apply:

''(A) GENERAL RULE.—Any cash contribution designated as a qualifying cash contribution with respect to a qualifying project for which such credit amounts were allocated under subsection (d)(1)(A)(ii) shall be treated as unrelated business taxable income (as defined in section 512) of such certified educational institution.

''(B) RULE FOR UNUSED CREDIT AMOUNTS.—In the case of credit amounts described under paragraph (2)(A) which are unused and identified pursuant to subsection (g), the Secretary shall reallocate any portion of such credit amounts that are unused to certified educational institutions in lieu of imposing the general rule under subparagraph (A).

''(2) NONCOMPLIANCE EVENT.—For purposes of this subsection, the term 'noncompliance event' means, with respect to a credit amount allocated to a certified educational institution—

''(A) cash contributions equaling the amount of such credit amount are not designated as qualifying cash contributions within 2 years after December 31 of the year such credit amount is allocated,

''(B) a qualifying project with respect to which such credit amount was allocated is not placed in service within either—

''(i) 4 years after December 31 of the year such credit amount is allocated, or

''(ii) a period of time that the Secretary determines is appropriate, or

''(C) the research infrastructure property placed in service as part of a qualifying project with respect to which such credit amount was allocated ceases to be used for research within five years after such property is placed in service.

''(g) REVIEW AND REALLOCATION OF CREDIT AMOUNTS.—

''(1) REVIEW.—Not later than 5 years after the date of enactment of this section, the Secretary shall review the credit amounts allocated under this section as of such date.

''(2) REALLOCATION.—

''(A) IN GENERAL.—The Secretary may reallocate credit amounts allocated under this section if the Secretary determines, as of the date of the review in paragraph (1), that such credit amounts are subject to a noncompliance event.

''(B) ADDITIONAL PROGRAM.—If the Secretary determines that credits under this section are available for reallocation pursuant to the requirements set forth in subparagraph (A), the Secretary is authorized to conduct an additional program for applications for certification.

''(C) DEADLINE FOR REALLOCATION.—The Secretary shall not certify any project, or reallocate any credit amount, pursuant to this paragraph after December 31, 2031.

''(h) DENIAL OF DOUBLE BENEFIT.—No credit or deduction shall be allowed under any other provision of this chapter for any qualified cash contribution for which a credit is allowed under this section.

''(i) RULE FOR TRUSTS AND ESTATES.—For purposes of this section, rules similar to the rules of subsection (d) of section 52 shall apply.

''(j) TERMINATION.—This section shall not apply to qualified cash contributions made after December 31, 2033.''.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38, as amended by the preceding provisions of this Act, is amended by striking ''plus'' at the end of paragraph (41), by striking the period at the end of paragraph (42) and inserting '', plus'', and by adding at the end the following new paragraph:

''(43) the public university research infrastructure credit determined under section 45AA.''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new item:

''Sec. 45AA. Public university research infrastructure credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to qualified cash contributions made after December 31, 2021.

SEC. 137502. TREATMENT OF FEDERAL PELL GRANTS FOR INCOME TAX PURPOSES.

(a) EXCLUSION FROM GROSS INCOME.—Section 117(b)(1) is amended by striking ''means any amount'' and all that follows and inserting ''means—

''(A) any amount received by an individual as a scholarship or fellowship grant to the extent the individual establishes that, in accordance with the conditions of the grant, such amount was used for qualified tuition and related expenses, and

''(B) any amount received by an individual after December 31, 2021, and before January 1, 2026, as a Federal Pell Grant under section 401 of the Higher Education Act of 1965.''.

(b) TREATMENT FOR PURPOSES OF AMERICAN OPPORTUNITY TAX CREDIT AND LIFETIME LEARNING CREDIT.—Section 25A(g)(2) is amended—

(1) in subparagraph (A), by inserting ''described in section 117(b)(1)(A)'' after ''a qualified scholarship'', and

(2) in subparagraph (C), by inserting ''or amount described in section 117(b)(1)(B)'' after ''within the meaning of section 102(a)''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 137503. REPEAL OF DENIAL OF AMERICAN OPPORTUNITY TAX CREDIT ON BASIS OF FELONY DRUG CONVICTION.

(a) IN GENERAL.—Section 25A(b)(2) is amended by striking subparagraph (D).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2021.

PART 6—DEDUCTION FOR STATE AND LOCAL TAXES, ETC.

SEC. 137601. MODIFICATION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL TAXES, ETC.

(a) IN GENERAL.—Paragraph (6) of section 164(b) is amended—

(1) by striking ''2025'' in the heading and inserting ''2031'',

(2) by striking ''January 1, 2026'' and inserting ''January 1, 2032'',

(3) in subparagraph (A), by inserting ''or section 216(a)(1)'' after ''subsection (a)(1)'',

(4) in subparagraph (B)—

(A) by inserting ''(and any tax described in any such paragraph taken into account under section 216(a)(1))'' after ''paragraph (5) of this subsection'', and

(B) by striking ''shall not exceed $10,000 ($5,000 in the case of a married individual filing a separate return).'' and inserting ''shall not exceed—

''(i) in the case of any taxable year beginning after December 31, 2020, and before January 1, 2031, $80,000 ($40,000 in the case of an estate, trust, or married individual filing a separate return), and

''(ii) in the case of any taxable year beginning after December 31, 2030, and before January 1, 2032, $10,000 ($5,000 in the case of an estate, trust, or married individual filing a separate return).'', and

(5) by striking the last sentence and inserting the following: ''In the case of taxes paid during a taxable year beginning before January 1, 2031, the Secretary shall prescribe regulations or other guidance which treat all or a portion of such taxes as paid in a taxable year or years other than the taxable year in which actually paid as necessary or appropriate to prevent the avoidance of the limitations of this paragraph.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2020.

(c) NO INFERENCE.—The amendments made by paragraphs (3) or (4)(A), and (5) shall not be construed to create any inference with respect to the proper application of section 164(b)(6) or section 216(a) with respect to any taxable year beginning before January 1, 2021.

Subtitle H—Responsibly Funding Our Priorities

SEC. 138001. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

PART 1—CORPORATE AND INTERNATIONAL TAX REFORMS

Subpart A—Corporate Provisions

SEC. 138101. CORPORATE ALTERNATIVE MINIMUM TAX.

(a) IMPOSITION OF TAX.—

(1) IN GENERAL.—Paragraph (2) of section 55(b) is amended to read as follows:

''(2) CORPORATIONS.—

''(A) APPLICABLE CORPORATIONS.—In the case of an applicable corporation, the tentative minimum tax for the taxable year shall be the excess of—

''(i) 15 percent of the adjusted financial statement income for the taxable year (as determined under section 56A), over

''(ii) the corporate AMT foreign tax credit for the taxable year.

''(B) OTHER CORPORATIONS.—In the case of any corporation which is not an applicable corporation, the tentative minimum tax for the taxable year shall be zero.''.

(2) APPLICABLE CORPORATION.—Section 59 is amended by adding at the end the following new subsection:

''(k) APPLICABLE CORPORATION.—For purposes of this part—

''(1) APPLICABLE CORPORATION DEFINED.—

''(A) IN GENERAL.—The term 'applicable corporation' means, with respect to any taxable year, any corporation (other than an S corporation, a regulated investment company, or a real estate investment trust) which meets the average annual adjusted financial statement income test of subparagraph (B) for one or more taxable years which—

''(i) are prior to such taxable year, and

''(ii) end after December 31, 2021.

''(B) AVERAGE ANNUAL ADJUSTED FINANCIAL STATEMENT INCOME TEST.—For purposes of this subsection—

''(i) a corporation meets the average annual adjusted financial statement income test for any taxable year if the average annual adjusted financial statement income of such corporation for the 3-taxable-year period ending with such taxable year exceeds $1,000,000,000, and

''(ii) in the case of a corporation described in paragraph (2), such corporation meets the average annual adjusted financial statement income test if—

''(I) the corporation meets the requirements of clause (i) (determined after the application of paragraph (2)), and

''(II) the average annual adjusted financial statement income of such corporation (determined without regard to the application of paragraph (2)) for the 3-taxable-year-period ending with such taxable year is $100,000,000 or more.

''(C) EXCEPTION.—Notwithstanding subparagraph (A), the term 'applicable corporation' shall not include any corporation which otherwise meets the requirements of subparagraph (A) if—

''(i) such corporation—

''(I) has a change in ownership, or

''(II) has a specified number (to be determined by the Secretary and which shall, as appropriate, take into account the facts and circumstances of the taxpayer) of consecutive taxable years, including the most recent taxable year, in which the corporation does not meet the average annual adjusted financial statement income test of subparagraph (B), and

''(ii) the Secretary determines that it would not be appropriate to continue to treat such corporation as an applicable corporation.

The preceding sentence shall not apply to any corporation if, after the Secretary makes the determination described in clause (ii), such corporation meets the average annual adjusted financial statement income test for any taxable year beginning after the first taxable year for which the determination applies.

''(D) SPECIAL RULES FOR DETERMINING AVERAGE ANNUAL ADJUSTED FINANCIAL STATEMENT INCOME.—Solely for purposes of determining whether a corporation is an applicable corporation under paragraph (1)—

''(i) all persons treated as a single employer under subsection (a) or (b) of section 52 shall be treated as 1 person, and

''(ii) in the case of a foreign corporation, only income described in paragraph (3) or (4) of section 56A(c) shall be taken into account.

''(E) OTHER SPECIAL RULES.—

''(i) CORPORATIONS IN EXISTENCE FOR LESS THAN 3 YEARS.—If the corporation was in existence for less than 3-taxable years, subparagraph (B) shall be applied on the basis of the period during which such corporation was in existence.

''(ii) SHORT TAXABLE YEARS.—Adjusted financial statement income for any taxable year of less than 12 months shall be annualized by multiplying the adjusted financial statement income for the short period by 12 and dividing the result by the number of months in the short period.

''(iii) TREATMENT OF PREDECESSORS.—Any reference in this subparagraph to a corporation shall include a reference to any predecessor of such corporation.

''(2) SPECIAL RULE FOR FOREIGN-PARENTED CORPORATIONS.—

''(A) IN GENERAL.—Solely for purposes of determining whether a corporation meets the average annual adjusted financial statement income test under paragraph (1)(B)(i), notwithstanding paragraph (1)(D)(ii), any corporation which for any taxable year is a member of an international financial reporting group the common parent of which is a foreign corporation shall include in the adjusted financial statement income of such corporation for such taxable year the adjusted financial statement income of all foreign members of such group.

''(B) INTERNATIONAL FINANCIAL REPORTING GROUP.—For purposes of subparagraph (A), the term 'international financial reporting group' shall have the meaning given such term by section 163(n)(3).

''(3) REGULATIONS OR OTHER GUIDANCE.—The Secretary shall provide regulations or other guidance for the purposes of carrying out this subsection, including regulations or other guidance—

''(A) providing a simplified method for determining whether a corporation meets the requirements of paragraph (1), and

'''(B) addressing the application of this subsection to a corporation that experiences a change in ownership.''.

(3) REDUCTION FOR BASE EROSION AND ANTI-ABUSE TAX.—Section 55(a)(2) is amended by inserting ''plus, in the case of an applicable corporation (as defined in subsection (b)(2)), the tax imposed by section 59A'' before the period at the end.

(4) CONFORMING AMENDMENTS.—

(A) Section 55(a) is amended by striking ''In the case of a taxpayer other than a corporation, there'' and inserting ''There''.

(B)(i) Section 55(b)(1) is amended—

(I) by striking so much as precedes subparagraph (A) and inserting the following:

''(1) NONCORPORATE TAXPAYERS.—In the case of a taxpayer other than a corporation—'', and

(II) by adding at the end the following new subparagraph:

''(D) ALTERNATIVE MINIMUM TAXABLE INCOME.—The term 'alternative minimum taxable income' means the taxable income of the taxpayer for the taxable year—

''(i) determined with the adjustments provided in section 56 and section 58, and

''(ii) increased by the amount of the items of tax preference described in section 57.

If a taxpayer is subject to the regular tax, such taxpayer shall be subject to the tax imposed by this section (and, if the regular tax is determined by reference to an amount other than taxable income, such amount shall be treated as the taxable income of such taxpayer for purposes of the preceding sentence).''.

(ii) Section 860E(a)(4) is amended by striking ''55(b)(2)'' and inserting ''55(b)(1)(D)''.

(iii) Section 897(a)(2)(A)(i) is amended by striking ''55(b)(2)'' and inserting ''55(b)(1)(D)''.

(C) Section 11(d) is amended by striking ''the tax imposed by subsection (a)'' and inserting ''the taxes imposed by subsection (a) and section 55''.

(D) Section 12 is amended by adding at the end the following new paragraph:

''(5) For alternative minimum tax, see section 55.''.

(E) Section 882(a)(1) is amended by inserting '', 55,'' after ''section 11''.

(F) Section 6425(c)(1)(A) is amended to read as follows:

''(A) the sum of—

''(i) the tax imposed by section 11 or subchapter L of chapter 1, whichever is applicable, plus

''(ii) the tax imposed by section 55, plus

''(iii) the tax imposed by section 59A, over''.

(G) Section 6655(e)(2) is amended by inserting '', adjusted financial statement income (as defined in section 56A),'' before ''and modified taxable income'' each place it appears in subparagraphs (A)(i) and (B)(i).

(H) Section 6655(g)(1)(A) is amended by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively, and by inserting after clause (i) the following new clause:

''(ii) the tax imposed by section 55,''.

(b) ADJUSTED FINANCIAL STATEMENT INCOME.—

(1) IN GENERAL.—Part VI of subchapter A of chapter 1 is amended by inserting after section 56 the following new section:

''SEC. 56A. ADJUSTED FINANCIAL STATEMENT INCOME.

''(a) IN GENERAL.—For purposes of this part, the term 'adjusted financial statement income' means, with respect to any corporation for any taxable year, the net income or loss of the taxpayer set forth on the taxpayer's applicable financial statement for such taxable year, adjusted as provided in this section.

''(b) APPLICABLE FINANCIAL STATEMENT.—For purposes of this section, the term 'applicable financial statement' means, with respect to any taxable year, an applicable financial statement (as defined in section 451(b)(3) or as specified by the Secretary in regulations or other guidance) which covers such taxable year.

''(c) GENERAL ADJUSTMENTS.—

''(1) STATEMENTS COVERING DIFFERENT TAXABLE YEARS.—Appropriate adjustments shall be made in adjusted financial statement income in any case in which an applicable financial statement covers a period other than the taxable year.

''(2) SPECIAL RULES FOR RELATED ENTITIES.—

''(A) CONSOLIDATED FINANCIAL STATEMENTS.—If the financial results of a taxpayer are reported on the applicable financial statement for a group of entities, rules similar to the rules of section 451(b)(5) shall apply.

''(B) CONSOLIDATED RETURNS.—Except as provided in regulations prescribed by the Secretary, if the taxpayer files a consolidated return for any taxable year, adjusted financial statement income of the taxpayer for such taxable year shall take into account items on the taxpayer's applicable financial statement which are properly allocable to members of such group included on such return.

''(C) TREATMENT OF DIVIDENDS AND OTHER AMOUNTS.—In the case of any corporation which is not included on a consolidated return with the taxpayer, adjusted financial statement income of the taxpayer shall take into account the earnings of such other corporation only to the extent of the sum of the dividends received from such other corporation (reduced to the extent provided by the Secretary in regulations or other guidance) and other amounts required to be included in gross income under this chapter (other than amounts required to be included under sections 951 and 951A) in respect of the earnings of such other corporation.

''(D) GROUP INCLUDING ONE OR MORE PARTNERSHIPS.—Under rules prescribed by the Secretary, if the financial results of a taxpayer are reported on the applicable financial statement for a group of entities that includes one or more partnerships, adjusted financial statement income shall take into account the earnings of such partnerships in the same proportion as the taxpayer's distributive share of items from the partnerships required to be included in gross income under this chapter.

''(3) ADJUSTMENTS TO TAKE INTO ACCOUNT CERTAIN ITEMS OF FOREIGN INCOME.—

''(A) IN GENERAL.—If, for any taxable year, a taxpayer is a United States shareholder of one or more controlled foreign corporations, the adjusted financial statement income of such taxpayer shall be adjusted to take into account such taxpayer's pro rata share (determined under rules similar to the rules under section 951(a)(2)) of items taken into account in computing the net income or loss set forth on the applicable financial statement of each such controlled foreign corporation with respect to which such taxpayer is a United States shareholder.

''(B) NEGATIVE ADJUSTMENTS.—In any case in which the adjustment determined under subparagraph (A) would result in a negative adjustment for such taxable year—

''(i) no adjustment shall be made under this paragraph for such taxable year, and

''(ii) the amount of the adjustment determined under this paragraph for the succeeding taxable year (determined without regard to this paragraph) shall be reduced by an amount equal to the negative adjustment for such taxable year.

''(4) EFFECTIVELY CONNECTED INCOME.—In the case of a foreign corporation, to determine adjusted financial statement income, the principles of section 882 shall apply.

''(5) ADJUSTMENTS FOR CERTAIN TAXES.—Adjusted financial statement income shall be appropriately adjusted to disregard any Federal income taxes, or income, war profits, or excess profits taxes (within the meaning of section 901) with respect to a foreign country or possession of the United States, which are taken into account on the taxpayer's applicable financial statement. To the extent provided by the Secretary, the preceding sentence shall not apply to income, war profits, or excess profits taxes (within the meaning of section 901) that are imposed by a foreign country or possession of the United States and taken into account on the taxpayer's applicable financial statement if the taxpayer does not choose to take the benefits of section 901. The Secretary shall prescribe such regulations or other guidance as may be necessary and appropriate to provide for the proper treatment of current and deferred taxes for purposes of this paragraph, including the time at which such taxes are properly taken into account.

''(6) ADJUSTMENT WITH RESPECT TO DISREGARDED ENTITIES.—Adjusted financial statement income shall be adjusted to take into account any adjusted financial statement income of a disregarded entity owned by the taxpayer.

''(7) SPECIAL RULE FOR COOPERATIVES.—In the case of a cooperative to which section 1381 applies, the adjusted financial statement income (determined without regard to this paragraph) shall be reduced by the amounts referred to in section 1382(b) (relating to patronage dividends and per-unit retain allocations) to the extent such amounts were not otherwise taken into account in determining adjusted financial statement income.

''(8) RULES FOR ALASKA NATIVE CORPORATIONS.—Adjusted financial statement income shall be appropriately adjusted to allow—

''(A) cost recovery and depletion attributable to property the basis of which is determined under section 21(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1620(c)), and

''(B) deductions for amounts payable made pursuant to section 7(i) or section 7(j) of such Act (43 U.S.C. 1606(i) and 1606(j)) only at such time as the deductions are allowed for tax purposes.

''(9) AMOUNTS ATTRIBUTABLE TO ELECTIONS FOR DIRECT PAYMENT OF CERTAIN CREDITS.—Adjusted financial statement income shall be appropriately adjusted to disregard any amount received as a refund of taxes which is attributable to an election under section 6417.

''(10) CONSISTENT TREATMENT OF MORTGAGE SERVICING INCOME OF TAXPAYER OTHER THAN A REGULATED INVESTMENT COMPANY.—

''(A) IN GENERAL.—Adjusted financial statement income shall be adjusted so as not to include any item of income in connection with a mortgage servicing contract any earlier than when such income is included in gross income under any other provision of this chapter.

''(B) RULES FOR AMOUNTS NOT REPRESENTING REASONABLE COMPENSATION.—The Secretary shall provide regulations to prevent the avoidance of taxes imposed by this chapter with respect to amounts not representing reasonable compensation (as determined by the Secretary) with respect to a mortgage servicing contract.

''(11) SECRETARIAL AUTHORITY TO ADJUST ITEMS.—The Secretary shall issue regulations or other guidance to provide for such adjustments to adjusted financial statement income as the Secretary determines necessary to carry out the purposes of this section, including adjustments—

''(A) to prevent the omission or duplication of any item,

''(B) to take into account the ownership of a member of a group by a corporation or partnership which is not a member of such group, and

''(C) to carry out the principles of part II of subchapter C of this chapter (relating to corporate liquidations), part III of subchapter C of this chapter (relating to corporate organizations and reorganizations), and part II of subchapter K of this chapter (relating to partnership contributions and distributions).

''(d) DEDUCTION FOR FINANCIAL STATEMENT NET OPERATING LOSS.—

''(1) IN GENERAL.—Adjusted financial statement income (determined after application of subsection (c) and without regard to this subsection) shall be reduced by an amount equal to the lesser of—

''(A) the aggregate amount of financial statement net operating loss carryovers to the taxable year, or

''(B) 80 percent of adjusted financial statement income computed without regard to the deduction allowable under this subsection.

''(2) FINANCIAL STATEMENT NET OPERATING LOSS CARRYOVER.—A financial statement net operating loss for any taxable year shall be a financial statement net operating loss carryover to each taxable year following the taxable year of the loss. The portion of such loss which shall be carried to subsequent taxable years shall be the amount of such loss remaining (if any) after the application of paragraph (1).

''(3) FINANCIAL STATEMENT NET OPERATING LOSS DEFINED.—For purposes of this subsection, the term 'financial statement net operating loss' means the amount of the net loss (if any) set forth on the corporation's applicable financial statement (determined after application of subsection (c) and without regard to this subsection) for taxable years ending after December 31, 2019.

''(e) REGULATIONS AND OTHER GUIDANCE.—The Secretary shall provide for such regulations and other guidance as necessary to carry out the purposes of this section, including regulations and other guidance relating to the effect of the rules of this section on partnerships with income taken into account by an applicable corporation.''.

(2) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter A of chapter 1 is amended by inserting after the item relating to section 56 the following new item:

''Sec. 56A. Adjusted financial statement income.''.

(c) CORPORATE AMT FOREIGN TAX CREDIT.—Section 59, as amended by this section, is amended by adding at the end the following new subsection:

''(l) CORPORATE AMT FOREIGN TAX CREDIT.—

''(1) IN GENERAL.—For purposes of this part, if an applicable corporation chooses to have the benefits of subpart A of part III of subchapter N for any taxable year, the corporate AMT foreign tax credit for the taxable year of the applicable corporation is an amount equal to sum of—

''(A) the lesser of—

''(i) the aggregate of the applicable corporation's pro rata share (as determined under section 56A(c)(3)) of the amount of income, war profits, and excess profits taxes (within the meaning of section 901) imposed by any foreign country or possession of the United States which are—

''(I) taken into account on the applicable financial statement of each controlled foreign corporation with respect to which the applicable corporation is a United States shareholder, and

''(II) paid or accrued (for Federal income tax purposes) by each such controlled foreign corporation, or

''(ii) the product of the amount of the adjustment under section 56A(c)(3) and the percentage specified in section 55(b)(2)(A)(i), and

''(B) the amount of income, war profits, and excess profits taxes (within the meaning of section 901) imposed by any foreign country or possession of the United States to the extent such taxes are—

''(i) taken into account on the applicable corporation's applicable financial statement, and

''(ii) paid or accrued (for Federal income tax purposes) by the applicable corporation.

''(2) CARRYOVER OF EXCESS TAX PAID.—For any taxable year for which an applicable corporation chooses to have the benefits of subpart A of part III of subchapter N, the excess of the amount described in paragraph (1)(A)(i) over the amount described in paragraph (1)(A)(ii) shall increase the amount described in paragraph (1)(A)(i) in any of the first 5 succeeding taxable years to the extent not taken into account in a prior taxable year.

''(3) REGULATIONS OR OTHER GUIDANCE.—The Secretary shall provide for such regulations or other guidance as is necessary to carry out the purposes of this subsection.''.

(d) TREATMENT OF GENERAL BUSINESS CREDIT.—Section 38(c)(6)(E) is amended to read as follows:

''(E) CORPORATIONS.—In the case of a corporation—

''(i) the first sentence of paragraph (1) shall be applied by substituting '25 percent of the taxpayer's net income tax as exceeds $25,000' for 'the greater of' and all that follows,

''(ii) paragraph (2)(A) shall be applied without regard to clause (ii)(I) thereof, and

''(iii) paragraph (4)(A) shall be applied without regard to clause (ii)(I) thereof.''.

(e) CREDIT FOR PRIOR YEAR MINIMUM TAX LIABILITY.—

(1) IN GENERAL.—Section 53(e) is amended to read as follows:

''(e) APPLICATION TO APPLICABLE CORPORATIONS.—In the case of a corporation—

''(1) subsection (b)(1) shall be applied by substituting 'the net minimum tax for all prior taxable years beginning after 2022' for 'the adjusted net minimum tax imposed for all prior taxable years beginning after 1986', and

''(2) the amount determined under subsection (c)(1) shall be increased by the amount of tax imposed under section 59A for the taxable year.''.

(2) CONFORMING AMENDMENTS.—Section 53(d) is amended—

(A) in paragraph (2), by striking '', except that in the case'' and all that follows through ''treated as zero'', and

(B) by striking paragraph (3).

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 138102. EXCISE TAX ON REPURCHASE OF CORPORATE STOCK.

(a) IN GENERAL.—Subtitle D is amended by inserting after chapter 36 the following new chapter:

''CHAPTER 37—REPURCHASE OF CORPORATE STOCK

''Sec. 4501. Repurchase of corporate stock.

''SEC. 4501. REPURCHASE OF CORPORATE STOCK.

''(a) GENERAL RULE.—There is hereby imposed on each covered corporation a tax equal to 1 percent of the fair market value of any stock of the corporation which is repurchased by such corporation during the taxable year.

''(b) COVERED CORPORATION.—For purposes of this section, the term 'covered corporation' means any domestic corporation the stock of which is traded on an established securities market (within the meaning of section 7704(b)(1)).

''(c) REPURCHASE.—For purposes of this section—

''(1) IN GENERAL.—The term 'repurchase' means—

''(A) a redemption within the meaning of section 317(b) with regard to the stock of a covered corporation, and

''(B) any transaction determined by the Secretary to be economically similar to a transaction described in subparagraph (A).

''(2) TREATMENT OF PURCHASES BY SPECIFIED AFFILIATES.—

''(A) IN GENERAL.—The acquisition of stock of a covered corporation by a specified affiliate of such covered corporation, from a person who is not the covered corporation or a specified affiliate of such covered corporation, shall be treated as a repurchase of the stock of the covered corporation by such covered corporation.

''(B) SPECIFIED AFFILIATE.—For purposes of this section, the term 'specified affiliate' means, with respect to any corporation—

''(i) any corporation more than 50 percent of the stock of which is owned (by vote or by value), directly or indirectly, by such corporation, and

''(ii) any partnership more than 50 percent of the capital interests or profits interests of which is held, directly or indirectly, by such corporation.

''(3) ADJUSTMENT.—The amount taken into account under subsection (a) with respect to any stock repurchased by a covered corporation shall be reduced by the fair market value of any stock issued by the covered corporation during the taxable year, including the fair market value of any stock issued to employees of such covered corporation or a specified affiliate of such covered corporation during the taxable year, whether or not such stock is issued in response to the exercise of an option to purchase such stock.

''(d) SPECIAL RULES FOR ACQUISITION OF STOCK OF CERTAIN FOREIGN CORPORATIONS.—

''(1) IN GENERAL.—In the case of an acquisition of stock of an applicable foreign corporation by a specified affiliate of such corporation (other than a foreign corporation or a foreign partnership (unless such partnership has a domestic entity as a direct or indirect partner)) from a person who is not the applicable foreign corporation or a specified affiliate of such applicable foreign corporation, for purposes of this section—

''(A) such specified affiliate shall be treated as a covered corporation with respect to such acquisition,

''(B) such acquisition shall be treated as a repurchase of stock of a covered corporation by such covered corporation, and

''(C) the adjustment under subsection (c)(3) shall be determined only with respect to stock issued by such specified affiliate to employees of the specified affiliate.

''(2) SURROGATE FOREIGN CORPORATIONS.—In the case of a repurchase of stock of a covered surrogate foreign corporation by such covered surrogate foreign corporation, or an acquisition of stock of a covered surrogate foreign corporation by a specified affiliate of such corporation, for purposes of this section—

''(A) the expatriated entity with respect to such covered surrogate foreign corporation shall be treated as a covered corporation with respect to such repurchase or acquisition,

''(B) such repurchase or acquisition shall be treated as a repurchase of stock of a covered corporation by such covered corporation, and

''(C) the adjustment under subsection (c)(3) shall be determined only with respect to stock issued by such expatriated entity to employees of the expatriated entity.

''(3) DEFINITIONS.—For purposes of this subsection—

''(A) APPLICABLE FOREIGN CORPORATION.—The term 'applicable foreign corporation' means any foreign corporation the stock of which is traded on an established securities market (within the meaning of section 7704(b)(1)).

''(B) COVERED SURROGATE FOREIGN CORPORATION.—The term 'covered surrogate foreign corporation' means any surrogate foreign corporation (as determined under section 7874(a)(2)(B) by substituting 'September 20, 2021' for 'March 4, 2003' each place it appears) the stock of which is traded on an established securities market (within the meaning of section 7704(b)(1)), but only with respect to taxable years which include any portion of the applicable period with respect to such corporation under section 7874(d)(1).

''(C) EXPATRIATED ENTITY.—The term 'expatriated entity' has the meaning given such term by section 7874(a)(2)(A).

''(e) EXCEPTIONS.—Subsection (a) shall not apply—

''(1) to the extent that the repurchase is part of a reorganization (within the meaning of section 368(a)) and no gain or loss is recognized on such repurchase by the shareholder under chapter 1 by reason of such reorganization,

''(2) in any case in which the stock repurchased is, or an amount of stock equal to the value of the stock repurchased is, contributed to an employer-sponsored retirement plan, employee stock ownership plan, or similar plan,

''(3) in any case in which the total value of the stock repurchased during the taxable year does not exceed $1,000,000,

''(4) under regulations prescribed by the Secretary, in cases in which the repurchase is by a dealer in securities in the ordinary course of business,

''(5) to repurchases by a regulated investment company (as defined in section 851) or a real estate investment trust, or

''(6) to the extent that the repurchase is treated as a dividend for purposes of this title.

''(f) REGULATIONS AND GUIDANCE.—The Secretary shall prescribe such regulations and other guidance as are necessary or appropriate to administer and to prevent the avoidance of

the purposes of this section, including regulations and other guidance—

''(1) to prevent the abuse of the exceptions provided by subsection (e),

''(2) to address special classes of stock and preferred stock, and

''(3) for the application of the rules under subsection (d).''.

(b) TAX NOT DEDUCTIBLE.—Paragraph (6) of section 275(a) is amended by inserting ''37,'' before ''41''.

(c) CLERICAL AMENDMENT.—The table of chapters for subtitle D is amended by inserting after the item relating to chapter 36 the following new item:

''CHAPTER 37—REPURCHASE OF CORPORATE STOCK''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to repurchases (within the meaning of section 4501(c) of the Internal Revenue Code of 1986, as added by this section) of stock after December 31, 2021.

Subpart B—Limitations on Deduction for Interest Expense

SEC. 138111. LIMITATIONS ON DEDUCTION FOR INTEREST EXPENSE.

(a) INTEREST EXPENSE OF CERTAIN MEMBERS OF INTERNATIONAL FINANCIAL REPORTING GROUPS.—Section 163 is amended by redesignating subsection (n) as subsection (p) and by inserting after subsection (m) the following new subsection:

''(n) LIMITATION ON DEDUCTION OF INTEREST BY CERTAIN MEMBERS OF INTERNATIONAL FINANCIAL REPORTING GROUPS.—

''(1) IN GENERAL.—In the case of any specified domestic corporation which is a member of any international financial reporting group, the deduction under this chapter for interest paid or accrued during the taxable year in excess of the amount of interest includible in the gross income of such corporation shall not exceed the allowable percentage of 110 percent of such excess.

''(2) SPECIFIED DOMESTIC CORPORATION.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'specified domestic corporation' means any domestic corporation other than—

''(i) any corporation if the excess of—

''(I) the average amount of interest paid or accrued by such corporation during the 3-taxable-year period ending with the taxable year to which paragraph (1) applies, over

''(II) the average amount of interest includible in the gross income of such corporation for such 3-taxable-year period,

does not exceed $12,000,000,

''(ii) any corporation to which paragraph (1) of section 163(j) does not apply by reason of paragraph (3) of such section (determined without regard to paragraph (4)(B) of such section), and

''(iii) any S corporation, real estate investment trust, or regulated investment company.

''(B) AGGREGATION RULE.—For purposes of clauses (i) and (ii) of subparagraph (A), all domestic corporations which are members of the same international financial reporting group shall be treated as a single corporation.

''(C) FOREIGN CORPORATIONS ENGAGED IN TRADE OR BUSINESS WITHIN THE UNITED STATES.—If a foreign corporation is engaged in a trade or business within the United States, such foreign corporation shall be treated as a domestic corporation with respect to the items that are effectively connected with such trade or business.

''(3) INTERNATIONAL FINANCIAL REPORTING GROUP.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'international financial reporting group' means, with respect to any reporting year, two or more entities if—

''(i) either—

''(I) at least one entity is a foreign corporation engaged in a trade or business within the United States, or

''(II) at least one entity is a domestic corporation and another entity is a foreign corporation, and

''(ii) such entities are included in the same applicable financial statement with respect to such year.

''(B) ELECTION TO INCLUDE ELIGIBLE CORPORATIONS IN GROUP.—

''(i) IN GENERAL.—To the extent provided by the Secretary in regulations or other guidance, an international financial reporting group may elect (at such time and in such manner as the Secretary may provide) to treat all eligible corporations with respect to such group as members of such group for purposes of this subsection. As a condition of such election, all such eligible corporations must maintain (and provide access to) such books and records as the Secretary determines are satisfactory to allow for the application of this subsection with respect to such eligible corporations. Such election may be revoked only with the consent of the Secretary.

''(ii) ELIGIBLE CORPORATION.—The term 'eligible corporation' means, with respect to any international financial reporting group, any corporation if at least 20 percent of the stock of such corporation (determined by vote and value) is held (directly or indirectly) by members of such international financial reporting group (determined without regard to this subparagraph).

''(4) ALLOWABLE PERCENTAGE.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'allowable percentage' means, with respect to any specified domestic corporation for any taxable year, the ratio (expressed as a percentage and not greater than 100 percent) of—

''(i) such corporation's allocable share of the international financial reporting group's reported net interest expense for the reporting year of such group which ends in or with such taxable year of such corporation, over

''(ii) such corporation's reported net interest expense for such reporting year of such group.

''(B) REPORTED NET INTEREST EXPENSE.—The term 'reported net interest expense' means—

''(i) with respect to any international financial reporting group for any reporting year, the excess of—

''(I) the aggregate amount of interest expense reported in such group's applicable financial statements for such taxable year, over

''(II) the aggregate amount of interest income reported in such group's applicable financial statements for such taxable year, and

''(ii) with respect to any specified domestic corporation for any reporting year, the excess of—

''(I) the amount of interest expense of such corporation reported in the books and records of the international financial reporting group which are used in preparing such group's applicable financial statements for such taxable year, over

''(II) the amount of interest income of such corporation reported in such books and records.

''(C) ALLOCABLE SHARE OF REPORTED NET INTEREST EXPENSE.—With respect to any specified domestic corporation which is a member of any international financial reporting group, such corporation's allocable share of such group's reported net interest expense for any reporting year is the portion of such expense which bears the same ratio to such expense as—

''(i) the EBITDA of such corporation for such reporting year, bears to

''(ii) the EBITDA of such group for such reporting year.

''(D) EBITDA.—

''(i) IN GENERAL.—The term 'EBITDA' means, with respect to any reporting year, earnings before interest income and interest expense, taxes, depreciation, depletion, and amortization—

''(I) as determined in the international financial reporting group's applicable financial statements for such year, or

''(II) as determined in the books and records of the international financial reporting group which are used in preparing such statements if not determined in such statements.

''(ii) DETERMINATION OF EBITDA OF A SPECIFIED DOMESTIC CORPORATION.—The EBITDA of any specified domestic corporation shall be determined on a stand-alone basis and without regard to any distribution received by such corporation from any other member of the international financial reporting group.

''(E) SPECIAL RULES FOR NON-POSITIVE EBITDA.—

''(i) NON-POSITIVE GROUP EBITDA.—In the case of any international financial reporting group the EBITDA of which is zero or less, paragraph (1) shall not apply to any specified domestic corporation which is a member of such group.

''(ii) NON-POSITIVE ENTITY EBITDA.—In the case of any specified domestic corporation the EBITDA of which is zero or less, the allowable percentage shall be 0 percent.

''(5) APPLICABLE FINANCIAL STATEMENT.—For purposes of this subsection, the term 'applicable financial statement' has the meaning given such term in section 451(b)(3).

''(6) REPORTING YEAR.—For purposes of this subsection, the term 'reporting year' means any year for which an applicable financial statement is prepared or required to be prepared.

''(7) REGULATIONS.—The Secretary may issue such regulations or other guidance as are necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which—

''(A) allows or requires the adjustment of amounts reported on applicable financial statements,

''(B) allows or requires any corporation to be included or excluded as a member of any international financial reporting group for purposes of any determination or calculation under this subsection,

''(C) treats interest income of a controlled foreign corporation which is subpart F income, and any interest expense of such corporation which is related to subpart F income, as income and interest expense, respectively, of a specified domestic corporation for purposes of this subsection,

''(D) prevents the omission, inclusion, or duplication of any item or amount of interest income or interest expense, and

''(E) provides rules for the application of this subsection with respect to—

''(i) a domestic corporation that is a partner (directly or indirectly) in a partnership,

''(ii) a domestic corporation that owns (directly or indirectly) an interest in an entity that is fiscally transparent in one or more jurisdictions, and

''(iii) a foreign corporation to which this subsection applies by reason of paragraph (2)(C).''.

(b) MODIFICATION OF APPLICATION OF LIMITATION ON BUSINESS INTEREST TO PARTNERSHIPS AND S CORPORATIONS.—

(1) IN GENERAL.—Section 163(j)(4) is amended to read as follows:

''(4) APPLICATION TO PARTNERSHIPS AND S CORPORATIONS.—

''(A) IN GENERAL.—In the case of any partnership or S corporation, this subsection shall be applied at the partner or shareholder level, respectively.

''(B) APPLICATION OF EXEMPTION FOR CERTAIN SMALL BUSINESSES.—In the case of any partnership or S corporation which does not meet the gross receipts test of section 448(c) for any taxable year, paragraph (3) shall not apply with respect to any distributive, or pro rata, share of business interest and other items under this subsection of such partnership or S corporation.

''(C) REGULATIONS.— The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations or other guidance—

''(i) for requiring or restricting the allocation of business interest and other items under this subsection,

''(ii) to provide for such reporting requirements as the Secretary determines appropriate, and

''(iii) for the application of this subsection in the case of tiered structures or trades or businesses described in paragraph (7).''.

(2) CONFORMING AMENDMENT.—Section 163(j)(3) is amended by inserting ''except to the extent provided in paragraph (4)(B)'' after ''to such taxpayer for such taxable year''.

(c) CARRYFORWARD OF DISALLOWED INTEREST.—

(1) IN GENERAL.—Section 163 is amended by inserting after subsection (n), as added by subsection (a), the following new subsection:

''(o) CARRYFORWARD OF CERTAIN DISALLOWED INTEREST.—The amount of any interest not allowed as a deduction for any taxable year by reason of subsection (j) or (n)(1) (whichever imposes the lower limitation with respect to such taxable year) shall be treated as interest (and as business interest for purposes of subsection (j) to the extent such amount is properly attributable to a trade or business as defined in subsection (j)(7)) paid or accrued in the succeeding taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 163(j)(2) is amended to read as follows:

''(2) CARRYFORWARD CROSS-REFERENCE.—For carryforward treatment, see subsection (o).''.

(B) Section 381(c)(20) is amended to read as follows:

''(20) CARRYFORWARD OF DISALLOWED INTEREST.—The carryover of disallowed interest described in section 163(o) to taxable years ending after the date of distribution or transfer.''.

(C) Section 382(d)(3) is amended to read as follows:

''(3) APPLICATION TO CARRYFORWARD OF DISALLOWED INTEREST.—The term 'pre-change loss' shall include any carryover of disallowed interest described in section 163(o) under rules similar to the rules of paragraph (1).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

(e) TRANSITION RULE.—In the case of a partner's first succeeding taxable year described in subclause (II) of section 163(j)(4)(B)(ii) of the Internal Revenue Code of 1986 (as in effect before the amendment made by subsection (b)) which begins after December 31, 2022, the amount of excess business interest which would (but for such amendment) be carried to such taxable year under such subclause shall be treated as interest (and as business interest for purposes of section 163(j) of such Code, as amended by this section) paid or accrued in such taxable year. A rule similar to the rule in the preceding sentence shall apply in the case of an S corporation and its shareholders. For carryover of any such interest disallowed for such taxable year, see section 163(o) of such Code, as amended by this section.

Subpart C—Outbound International Provisions

SEC. 138121. MODIFICATIONS TO DEDUCTION FOR FOREIGN-DERIVED INTANGIBLE INCOME AND GLOBAL INTANGIBLE LOW-TAXED INCOME.

(a) IN GENERAL.—Section 250(a) is amended to read as follows:

''(a) IN GENERAL.—In the case of a domestic corporation for any taxable year, there shall be allowed as a deduction an amount equal to the sum of—

''(1) 24.8 percent of the foreign-derived intangible income of such domestic corporation for such taxable year, plus

''(2) 28.5 percent of—

''(A) the global intangible low-taxed income (if any) which is included in the gross income of such domestic corporation under section 951A for such taxable year, and

''(B) the amount treated as a dividend received by such corporation under section 78 which is attributable to the amount described in subparagraph (A).''.

(b) DEDUCTION TAKEN INTO ACCOUNT IN DETERMINING NET OPERATING LOSS DEDUCTION.—Section 172(d) is amended by striking paragraph (9).

(c) CERTAIN OTHER MODIFICATIONS.—

(1) Section 250(b)(3) is amended—

(A) in subparagraph (A)(i)—

(i) by striking ''and'' at the end of subclause (V),

(ii) by striking ''over'' at the end of subclause (VI), and

(iii) by adding at the end the following new subclauses:

''(VII) any income described in clause (i) or (ii) of section 904(d)(2)(B), determined without regard to clause (iii)(II) thereof,

''(VIII) except as otherwise provided by the Secretary, any income and gain from the sale or other disposition (including the deemed sale or other deemed disposition) of property giving rise to rents or royalties derived in the active conduct of a trade or business, and

''(IX) any disqualified extraterritorial income, over'', and

(B) by adding at the end the following new subparagraph:

''(C) DISQUALIFIED EXTRATERRITORIAL INCOME.—

''(i) IN GENERAL.—For purposes of subparagraph (A)(i)(IX), the term 'disqualified extraterritorial income' means any amount included in the gross income of the corporation with respect to any transaction for any taxable year if any amount could (determined after application of clause (ii) but without regard to any election under section 942(a)(3) as in effect before its repeal) be excluded from the gross income of the corporation with respect to such transaction for such taxable year by reason of section 114 pursuant to the application of subsection (d) or (f) of section 101 of the American Jobs Creation Act of 2004.

''(ii) ELECTION OUT OF EXTRATERRITORIAL INCOME BENEFITS.—

''(I) IN GENERAL.—Except as provided in subclause (II), the corporation referred to in clause (i) may make an irrevocable election (at such time and in such form and manner as the Secretary may provide) to have subsections (d) and (f) of section 101 of the American Jobs Creation Act of 2004 not apply with respect to such corporation for the taxable year for which such election is made and all succeeding taxable years (applicable with respect to all transactions, including transactions occurring before such taxable year).

''(II) EXPANDED AFFILIATED GROUPS.—In the case of any corporation which is a member of an expanded affiliated group, the election described in subclause (I) may be made only by the common parent of such group (or, in the case of a common parent which is not required to file a return of tax under this chapter, the delegate of such common parent) and shall apply with respect to all members of such group. For purposes of the preceding sentence, the term 'expanded affiliated group' means an affiliated group as defined in section 1504(a), determined without regard to section 1504(b)(3) and by substituting 'more than 50 percent' for 'at least 80 percent' each place it appears.''.

(C) Section 250(b)(5)(E) is amended by inserting ''(other than paragraph (3)(A)(i)(VIII))'' after ''For purposes of this subsection''.

(2) Section 613A(d)(1) is amended by striking ''and'' at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting '', and'', and by inserting after subparagraph (E) the following new subparagraph:

''(F) any deduction allowable under section 250.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2022.

(2) CERTAIN MODIFICATIONS.—The amendments made by subsection (c) shall apply to taxable years beginning after the date of the enactment of this Act.

(e) NO INFERENCE REGARDING CERTAIN MODIFICATIONS.—The amendments made by subsection (c) shall not be construed to create any inference with respect to the proper application of any provision of the Internal Revenue Code of 1986 with respect to any taxable year beginning before the taxable years to which such amendments apply.

(f) TRANSITION RULE FOR ACCELERATED PERCENTAGE REDUCTION.—

(1) IN GENERAL.—In the case of any taxable year which includes December 31, 2022 (other than a taxable year with respect to which such date is the last day of such taxable year)—

(A) the percentage in effect under section 250(a)(1)(A) of the Internal Revenue Code of 1986 shall be treated as being equal to the sum of—

(i) the pre-effective date percentage of 37.5 percent, plus

(ii) the post-effective date percentage of 24.8 percent, and

(B) the percentage in effect under section 250(a)(1)(B) of such Code shall be treated as being equal to the sum of—

(i) the pre-effective date percentage of 50 percent, plus

(ii) the post-effective date percentage of 28.5 percent.

(2) PRE- AND POST-EFFECTIVE DATE PERCENTAGES.—For purposes of this subsection, with respect to any taxable year—

(A) the term ''pre-effective date percentage'' means the ratio that the number of days in such taxable year which are before January 1, 2023, bears to the number of days in such taxable year, and

(B) the term ''post-effective date percentage'' means the ratio that the number of days in such taxable year which are after December 31, 2022, bears to the number of days in such taxable year.

SEC. 138122. REPEAL OF ELECTION FOR 1-MONTH DEFERRAL IN DETERMINATION OF TAXABLE YEAR OF SPECIFIED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Section 898(c) is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of specified foreign corporations beginning after November 30, 2022.

(c) TRANSITION RULE.—In the case of a corporation that is a specified foreign corporation as of November 30, 2022, such corporation's first taxable year beginning after such date shall end at the same time as the first required year (within the meaning of section 898(c)(1) of the Internal Revenue Code of 1986) ending after such date. If any specified foreign corporation is required by this section (or the amendments made by this section) to change its taxable year for its first taxable year beginning after November 30, 2022—

(1) such change shall be treated as initiated by such corporation,

(2) such change shall be treated as having been made with the consent of the Secretary, and

(3) the Secretary (including the Secretary's delegate in the case of any reference to the Secretary in this paragraph) shall issue regulations or other guidance for allocating foreign taxes that accrue in such first taxable year between such taxable year and the prior taxable year, including such adjustments as the Secretary determines are necessary or appropriate to carry out the purposes of this section.

SEC. 138123. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO CERTAIN TAXPAYERS RECEIVING SPECIFIC ECONOMIC BENEFITS.

(a) IN GENERAL.—Section 901 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) SPECIAL RULES RELATING TO DUAL CAPACITY TAXPAYERS.—

''(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer to a foreign country or possession of the United States for any period shall not be considered a tax—

''(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

''(B) to the extent such amount exceeds the amount which would be paid or accrued by such dual capacity taxpayer under the generally applicable income tax imposed by such country or possession if such taxpayer were not a dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

''(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

''(A) is subject to a levy of such country or possession, and

''(B) receives (or will receive) directly or indirectly a specific economic benefit from such country or possession (or any political subdivision, agency, or instrumentality thereof).

''(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection, the term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession of the United States on residents of such foreign country or possession that are not dual capacity taxpayers.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or accrued after December 31, 2021.

SEC. 138124. MODIFICATIONS TO FOREIGN TAX CREDIT LIMITATIONS.

(a) COUNTRY-BY-COUNTRY APPLICATION OF LIMITATION ON FOREIGN TAX CREDIT BASED ON TAXABLE UNITS.—

(1) IN GENERAL.—Section 904 is amended by inserting after subsection (d) the following new subsection:

''(e) COUNTRY-BY-COUNTRY APPLICATION BASED ON TAXABLE UNITS.—

''(1) IN GENERAL.—Subsection (d) (and the provisions of this title referred to in paragraph (1) of such subsection) shall be applied separately with respect to each country by taking into account the aggregate income properly attributable or otherwise allocable to a taxable unit of the taxpayer which is a tax resident of (or, in the case of a branch, is located in) such country.

''(2) TAXABLE UNITS.—

''(A) IN GENERAL.—Except as otherwise provided by the Secretary, each item shall be attributable or otherwise allocable to exactly one taxable unit of the taxpayer.

''(B) DETERMINATION OF TAXABLE UNITS.—Except as otherwise provided by the Secretary, the taxable units of a taxpayer are as follows:

''(i) GENERAL TAXABLE UNIT.—The person that is the taxpayer and that is not otherwise described in a separate clause of this subparagraph.

''(ii) CERTAIN FOREIGN CORPORATIONS.—Each foreign corporation with respect to which the taxpayer is a United States shareholder.

''(iii) INTERESTS IN PASS-THROUGH ENTITIES.—Each interest held (directly or indirectly) by the taxpayer or any controlled foreign corporation referred to in clause (ii) in a pass-through entity if such pass-through entity is a tax resident of a country other than the country with respect to which such taxpayer or controlled foreign corporation (as the case may be) is a tax resident.

''(iv) BRANCHES.—Each branch (or portion thereof) the activities of which are directly or indirectly carried on by the taxpayer or any controlled foreign corporation referred to in clause (ii) and which give rise to a taxable presence in a country other than the country with respect to which such taxpayer or controlled foreign corporation (as the case may be) is a tax resident.

''(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) TAX RESIDENT.—Except as otherwise provided by the Secretary, the term 'tax resident' means a person or entity subject to tax under the tax law of a country as a resident. If an entity is organized under the law of a country, or resident in a country, that does not impose an income tax with respect to such entities, such entity shall, except as provided by the Secretary, be treated as subject to tax under the tax law of such country for the purposes of the preceding sentence.

''(B) PASS-THROUGH ENTITY.—Except as otherwise provided by the Secretary, the term 'pass-through entity' includes any partnership or other entity to the extent that income, gain, deduction, or loss of the entity is taken into account in determining the income or loss of a person that owns (directly or indirectly) an interest in such entity.

''(C) BRANCH.—Except as otherwise provided by the Secretary, the term 'branch' means a taxable presence of a tax resident in a country other than its country of residence as determined under such other country's tax law. The Secretary shall provide regulations or other guidance applying such term to activities in a country that do not give rise to a taxable presence.

''(D) TREATMENT OF FISCALLY AUTONOMOUS JURISDICTIONS.—Any fiscally autonomous jurisdiction shall be treated as a separate country. Any possession of the United States shall also be treated as a separate country.

''(E) POSSESSION OF THE UNITED STATES.—The term 'possession of the United States' means each of American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

''(4) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out, or prevent avoidance of, the purposes of this subsection, including regulations or other guidance—

''(A) providing for the application of this subsection to an entity or arrangement that is considered a tax resident of more than one country or of no country,

''(B) providing for the application of this subsection to hybrid entities or hybrid transactions (as such terms are used for purposes of section 267A), pass-through entities, passive foreign investment companies, trusts, and other entities or arrangements not otherwise described in this subsection, and

''(C) providing for the assignment of any item (including foreign taxes and deductions) to taxable units, including in the case of amounts not otherwise taken into account in determining taxable income under this chapter.''.

(2) APPLICATION OF SEPARATE LIMITATION LOSSES WITH RESPECT TO GLOBAL INTANGIBLE LOW-TAXED INCOME.—

(A) IN GENERAL.—Section 904(f)(5)(B) is amended to read as follows:

''(B) ALLOCATION OF LOSSES.—Except as otherwise provided in this subparagraph, the separate limitation losses for any taxable year (to the extent such losses do not exceed the separate limitation incomes for such year) shall be allocated among (and operate to reduce) such incomes on a proportionate basis. In the case of a separate limitation loss for any taxable year in any category other than subparagraph (d)(1)(A), the amount of such separate limitation loss shall be allocated among (and operate to reduce) separate limitation income in any category other than income described in subparagraph (d)(1)(A) on a proportionate basis (without regard to income described in subparagraph (d)(1)(A)). The remaining separate limitation losses may reduce separate limitation income described in subparagraph (d)(1)(A) only to the extent that the aggregate amount of such losses exceeds the aggregate amount of separate limitation incomes (other than income described in subparagraph (d)(1)(A)) for such taxable year.''.

(B) INCOME CATEGORY.—Section 904(f)(5)(E)(i) is amended to read as follows:

''(i) INCOME CATEGORY.—The term 'income category' means each category of income with respect to which this section is required to be applied separately by reason of any provision of this title.''.

(C) SEPARATE LIMITATION LOSS.—Section 904(f)(5)(E)(iii) is amended to read as follows:

''(iii) SEPARATE LIMITATION LOSS.—The term 'separate limitation loss' means, with respect to any income category, the amount by which the gross income from sources outside the United States is exceeded by the sum of the deductions properly allocated and apportioned thereto.''.

(b) REPEAL OF SEPARATE APPLICATION TO FOREIGN BRANCH INCOME.—

(1) IN GENERAL.—Section 904(d)(1) is amended by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraph (B) and (C).

(2) COORDINATION WITH DEDUCTION FOR FOREIGN-DERIVED INTANGIBLE INCOME.—Section 250(b)(3)(A) is amended—

(A) by striking subclause (VI) of clause (i) and inserting the following new subclause:

''(VI) the income which is attributable to 1 or more branches (within the meaning of section 904(e)(3)(C)) or pass-through entities (within the meaning of section 904(e)(3)(B)) in 1 or more foreign countries, over'', and

(B) by adding at the end the following flush sentence:

''For purposes of clause (i)(VI), the amount of income attributable to a branch or pass-through entity shall be determined under rules established by the Secretary.''.

(3) AMENDMENTS.—

(A) Section 904(d)(2)(A)(ii) is amended by striking '', foreign branch income,''.

(B) Section 904(d)(2)(H) is amended to read as follows:

''(H) TREATMENT OF INCOME TAX BASE DIFFERENCES.—The Secretary shall issue regulations or other guidance assigning to the proper category of income any tax imposed under the law of a foreign country or possession of the United States on an amount which does not constitute income under United States tax principles.''.

(C) Section 904(d)(2) is amended by striking subparagraph (J).

(c) MODIFICATION OF FOREIGN TAX CREDIT CARRYBACK AND CARRYFORWARD.—

(1) REPEAL OF CARRYBACK.—Section 904(c) is amended—

(A) by striking ''in the first preceding taxable year, and'',

(B) by striking ''preceding or'' each place it appears, and

(C) by striking ''CARRYBACK AND'' in the heading thereof.

(2) APPLICATION TO LIMITATION ON FOREIGN OIL AND GAS TAXES.—Section 907(f)(1) is amended by striking ''in the first preceding taxable year and''.

(3) APPLICATION OF CARRYFORWARD TO TAXES ON GLOBAL INTANGIBLE LOW-TAXED INCOME.—

(A) IN GENERAL.—Section 904(c) is amended by striking the last sentence.

(B) TEMPORARY LIMITATION OF CARRYFORWARD TO 5 TAXABLE YEARS.—Section 904(c), as amended by the preceding provisions of this Act, is amended—

(i) by striking ''Any amount by which all taxes'' and all that precedes it and inserting the following:

''(c) CARRYBACK AND CARRYOVER OF EXCESS TAX PAID.—

''(1) IN GENERAL.—Any amount by which all taxes'', and

(ii) by adding at the end the following new paragraph:

''(2) TEMPORARY LIMITATION ON CARRYFORWARD OF TAXES ON GLOBAL INTANGIBLE LOW-TAXED INCOME.—

''(A) IN GENERAL.—In the case of taxes paid or accrued with respect to amounts described in subsection (d)(1)(A), paragraph (1) shall be applied by substituting '5 succeeding taxable years' for '10 succeeding taxable years'.

''(B) TERMINATION.—Subparagraph (A) shall not apply to any tax paid or accrued in a taxable year beginning after December 31, 2030.''.

(d) TREATMENT OF CERTAIN TAX-EXEMPT DIVIDENDS.—

(1) CERTAIN TAX-EXEMPT DIVIDENDS TAKEN INTO ACCOUNT IN APPLYING LIMITATIONS ON FOREIGN TAX CREDITS.—Section 904(b) is amended by striking paragraph (4).

(2) CERTAIN TAX-EXEMPT DIVIDENDS NOT TAKEN INTO ACCOUNT IN ALLOCATING INTEREST EXPENSE.—Section 864(e)(3) is amended by striking ''or 245(a)'' and inserting '', 245(a), or 245A''.

(e) RULES FOR ALLOCATION OF CERTAIN DEDUCTIONS TO FOREIGN SOURCE GLOBAL INTANGIBLE LOW-TAXED INCOME FOR PURPOSES OF FOREIGN TAX CREDIT LIMITATION.—Section 904(b), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

''(4) DEDUCTIONS TREATED AS ALLOCABLE TO FOREIGN SOURCE GLOBAL INTANGIBLE LOW-TAXED INCOME.—In the case of a domestic corporation and solely for purposes of the application of subsection (a) with respect to amounts described in subsection (d)(1)(A), the taxpayer's taxable income from sources without the United States shall be determined—

''(A) by allocating and apportioning any deduction allowed under section 250(a)(2) (and any deduction allowed under section 164(a)(3) for taxes imposed on amounts described in section 250(a)(2)) to such income, and

''(B) by allocating and apportioning any other deduction to such income only if the Secretary determines that such deduction is directly allocable to such income.

Any deduction which would (but for subparagraph (B)) have been allocated or apportioned to such income shall only be allocated or apportioned to income which is from sources within the United States.''.

(f) TREATMENT OF CERTAIN ASSET DISPOSITIONS.—Section 904(b), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

''(5) TREATMENT OF CERTAIN ASSET DISPOSITIONS.—

''(A) IN GENERAL.—Except as otherwise provided by the Secretary, in the case of any covered asset disposition, the principles of section 338(h)(16) shall apply in determining the source and character of any item for purposes of this part.

''(B) COVERED ASSET DISPOSITION.—For purposes of this paragraph, the term 'covered asset disposition' means any transaction which—

''(i) is treated as a disposition of assets under subchapter N of this chapter, and

''(ii) is treated as a disposition of stock of a corporation (or is disregarded) for purposes of the tax laws of a relevant foreign country or possession of the United States.

''(C) REGULATIONS.—The Secretary shall issue such regulations or other guidance as is necessary or appropriate to carry out, or to prevent the avoidance of, the purposes of this paragraph.''.

(g) REDETERMINATION OF FOREIGN TAXES AND RELATED CLAIMS.—

(1) IN GENERAL.—Section 905(c) is amended—

(A) in paragraph (1), by striking ''or'' at the end of subparagraph (B) and by inserting after subparagraph (C) the following new subparagraphs:

''(D) the taxpayer makes a timely change in its choice to claim a credit or deduction for taxes paid or accrued, or

''(E) there is any other change in the amount, or treatment, of taxes, which affects the taxpayer's tax liability under this chapter,'',

(B) in paragraph (2)(B), by striking ''Any such taxes'' and inserting ''Except as otherwise provided by the Secretary, any such taxes'', and

(C) by striking ''ACCRUED'' in the heading thereof.

(2) MODIFICATION TO TIME FOR CLAIMING CREDIT OR DEDUCTION.—Section 901(a) is amended by striking the second sentence and inserting the following: '' Such choice for any taxable year may be made or changed at any time before the expiration of the applicable period prescribed by section 6511 for making a claim for credit or refund of an overpayment of the tax imposed by this chapter for such taxable year that is attributable to such amounts.''.

(3) MODIFICATION TO SPECIAL PERIOD OF LIMITATION.—Section 6511(d)(3) is amended—

(A) in subparagraph (A)—

(i) by inserting ''a change in the liability for'' before ''any taxes paid or accrued'',

(ii) by striking ''actually paid'' and inserting ''paid (or deemed paid under section 960)'', and

(iii) by inserting ''CHANGE IN THE LIABILITY FOR'' before ''FOREIGN TAXES'' in the heading thereof, and

(B) in subparagraph (B), by striking ''the allowance of a credit for the taxes'' and inserting ''the allowance of an additional credit by reason of the change in liability for the taxes''.

(h) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2022.

(2) MODIFICATION OF FOREIGN TAX CREDIT CARRYBACK AND CARRYFORWARD.—The amendments made by subsection (c) shall apply to taxes paid or accrued in taxable years beginning after December 31, 2022.

(3) TREATMENT OF CERTAIN ASSET DISPOSITIONS.—

(A) IN GENERAL.—The amendment made by subsection (f) shall apply to transactions after the date of the enactment of this Act.

(B) BINDING CONTRACT EXCEPTION.—The amendment made by subsection (f) shall not apply to any transaction which is made pursuant to a written binding contract which was in effect on September 13, 2021, and is not modified in any material respect thereafter.

(4) REDETERMINATION OF FOREIGN TAXES AND RELATED CLAIMS.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendments made by subsection (g) shall apply to taxes paid or accrued in taxable years beginning after December 31, 2021.

(B) CERTAIN CHANGES.—The amendments made by subparagraphs (A) and (C) of subsection (g)(1) shall apply to changes that occur on or after the date which is 60 days after the date of the enactment of this Act.

(C) MODIFICATION TO SPECIAL PERIOD OF LIMITATION.—The amendments made by subsection (g)(3) shall apply to taxes paid, accrued, or deemed paid in taxable years beginning after December 31, 2021.

(i) REGULATIONS.—The Secretary shall issue regulations or other guidance providing for the application of subsections (d), (e), (f), and (g) of section 904 of the Internal Revenue Code of 1986 (as amended by this section) with respect to amounts carried over under subsections (c), (f), or (g) from a taxable year with respect to which subsection (e) of such section does not apply to a taxable year with respect to which such subsection (e) does apply and from a taxable year with respect to which subsection (d)(1)(B) of such section (determined without regard to the amendments made by this section) applies to a taxable year with respect to which such section does not apply.

SEC. 138125. FOREIGN OIL AND GAS EXTRACTION INCOME AND FOREIGN OIL RELATED INCOME TO INCLUDE OIL SHALE AND TAR SANDS.

(a) IN GENERAL.—Paragraphs (1)(A) and (2)(A) of section 907(c) are each amended by inserting ''(or oil shale or tar sands)'' after ''oil or gas wells''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 138126. MODIFICATIONS TO INCLUSION OF GLOBAL INTANGIBLE LOW-TAXED INCOME.

(a) COUNTRY-BY-COUNTRY APPLICATION OF SECTION BASED ON CFC TAXABLE UNITS.—Section 951A is amended by adding at the end the following new subsection:

''(g) COUNTRY-BY-COUNTRY APPLICATION OF SECTION BASED ON CFC TAXABLE UNITS.—

''(1) IN GENERAL.—If any CFC taxable unit of a United States shareholder is a tax resident of (or, in the case of a branch, is located in) a country which is different from the country with respect to which any other CFC taxable unit of such United States shareholder is a tax resident (or, in the case of a branch, is located in)—

''(A) such shareholder's global intangible low-taxed income for purposes of subsection (a) shall be the sum of the amounts of global intangible low-taxed income determined separately with respect to each such country, and

''(B) for purposes of determining such separate amounts of global intangible low-taxed income—

''(i) except as otherwise provided by the Secretary, any reference in subsection (b), (c), or (d) to a controlled foreign corporation of such shareholder shall be treated as reference to a CFC taxable unit of such shareholder, and

''(ii) net CFC tested income, net deemed tangible income return, qualified business asset investment, interest expense described in subsection (b)(2)(B), and such other items and amounts as the Secretary may provide, shall be determined separately with respect to each such country by determining such amounts with respect to the CFC taxable units of such shareholder which are a tax resident of such country.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) CFC TAXABLE UNIT.—The term 'CFC taxable unit' means any taxable unit described in clause (ii), (iii), or (iv) of section 904(e)(2)(B), determined—

''(i) by substituting 'Each controlled foreign corporation' for 'Each foreign corporation' in clause (ii) of such section, and

''(ii) without regard to the references to the taxpayer in clauses (iii) and (iv) of such section.

''(B) APPLICATION OF OTHER DEFINITIONS.—Terms used in this subsection which are also used in section 904(e) shall have the same meaning as when used in section 904(e).

''(3) SPECIAL RULES.—For purposes of this subsection—

''(A) APPLICATION OF CERTAIN RULES.—Except as otherwise provided by the Secretary, rules similar to the rules of section 904(e) shall apply.

''(B) ALLOCATION OF GLOBAL INTANGIBLE LOW-TAXED INCOME TO CONTROLLED FOREIGN CORPORATIONS.—Except as otherwise provided by the Secretary, subsection (f)(2) shall be applied separately with respect to each CFC taxable unit.''.

(b) REGULATORY AUTHORITY.—

(1) IN GENERAL.—Section 951A, as amended by subsection (a), is amended by adding at the end the following new subsection:

''(h) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out, or prevent the avoidance of, the purposes of this section, including regulations or guidance which provide for—

''(1) the treatment of property if such property is transferred, or held, temporarily,

''(2) the treatment of property if the avoidance of the purposes of this section is a factor in the transfer or holding of such property,

''(3) appropriate adjustments to the basis of stock and other ownership interests, and to earnings and profits, to reflect tested losses (whether or not taken into account in determining global intangible low-taxed income),

''(4) rules similar to the rules provided under the regulations or guidance issued under section 904(e)(4),

''(5) other appropriate basis adjustments,

''(6) appropriate adjustments to be made, and appropriate tax attributes and records to be maintained, separately with respect to CFC taxable units, and

''(7) appropriate adjustments in determining tested income or tested loss if property is transferred between related parties or amounts are paid or accrued between related parties.''.

(2) CONFORMING AMENDMENT.—Section 951A(d) is amended—

(A) by striking paragraph (4), and

(B) by redesignating the second paragraph (3) (relating to partnership property) as paragraph (4).

(c) CARRYOVER OF NET CFC TESTED LOSS.—

(1) IN GENERAL.—Section 951A(c) is amended by adding at the end the following new paragraph:

''(3) CARRYOVER OF NET CFC TESTED LOSS.—

''(A) IN GENERAL.—If the amount described in paragraph (1)(B) with respect to any United States shareholder for any taxable year of such United States shareholder (determined after the application of this paragraph with respect to amounts arising in preceding taxable years) exceeds the amount described in paragraph (1)(A) with respect to such shareholder of such taxable year, the amount otherwise described in paragraph (1)(B) with respect to such shareholder for the succeeding taxable year shall be increased by the amount of such excess.

''(B) PROPER ADJUSTMENT IN ALLOCATIONS OF GLOBAL INTANGIBLE LOW-TAXED INCOME TO CONTROLLED FOREIGN CORPORATIONS.—Proper adjustments shall be made in the application of subsection (f)(2)(B) to take into account any decrease in global intangible low-taxed income by reason of the application of subparagraph (A).''.

(2) COORDINATION WITH COUNTRY-BY-COUNTRY APPLICATION.—Section 951A(g)(1)(B)(ii), as added by subsection (a), is amended by inserting ''any increase determined under subsection (c)(3)(A),'' after ''interest expense described in subsection (b)(2)(B),''.

(3) APPLICATION OF RULES WITH RESPECT TO OWNERSHIP CHANGES.—Section 382(d) is amended by adding at the end the following new paragraph:

''(4) APPLICATION TO CARRYOVER OF NET CFC TESTED LOSS.—The term 'pre-change loss' shall include any excess carried over under section 951A(c)(3) under rules similar to the rules of paragraph (1).''.

(d) REDUCTION IN NET DEEMED TANGIBLE INCOME RETURN FOR PURPOSES OF DETERMINING GLOBAL INTANGIBLE LOW-TAXED INCOME.—

(1) IN GENERAL.—Section 951A(b)(2)(A) is amended by striking ''10 percent'' and inserting ''5 percent''.

(2) APPLICATION TO ASSETS LOCATED IN POSSESSIONS OF THE UNITED STATES.—Section 951A(b) is amended by adding at the end the following new paragraph:

''(3) APPLICATION TO ASSETS LOCATED IN POSSESSIONS OF THE UNITED STATES.—In the case of any specified tangible property located in a possession of the United States, paragraph (2)(A) and subsection (d) shall be applied by substituting '10 percent' for '5 percent' in paragraph (2)(A).''.

(e) INCLUSION OF FOREIGN OIL AND GAS EXTRACTION INCOME IN DETERMINING TESTED INCOME AND LOSS.—Section 951A(c)(2)(A)(i) is amended by inserting ''and'' at the end of subclause (III), by striking ''and'' at the end of subclause (IV) and inserting ''over'', and by striking subclause (V).

(f) COORDINATION WITH OTHER PROVISIONS.—Section 951A(f)(1) is amended by adding at the end the following new subparagraph:

''(C) TREATMENT OF CERTAIN REFERENCES.—Except as otherwise provided by the Secretary, references to section 951 or section 951(a) in sections 959, 961, 962, and such other provisions as the Secretary may identify shall include references to section 951A or section 951A(a), respectively.''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2022, and to taxable years of United States shareholders in which or with which such taxable years of foreign corporations end.

(2) REGULATORY AUTHORITY AND COORDINATION WITH OTHER PROVISIONS.—The amendments made by subsections (b) and (f) shall apply to taxable years of foreign corporations beginning after the date of the enactment of this Act, and to taxable years of United States shareholders in which or with which such taxable years of foreign corporations end.

(h) NO INFERENCE REGARDING CERTAIN MODIFICATIONS.—The amendments made by subsections (b) and (f) shall not be construed to create any inference with respect to the proper application of any provision of the Internal Revenue Code of 1986 with respect to any taxable year beginning before the taxable years to which such amendments apply.

SEC. 138127. MODIFICATIONS TO DETERMINATION OF DEEMED PAID CREDIT FOR TAXES PROPERLY ATTRIBUTABLE TO TESTED INCOME.

(a) INCREASE IN DEEMED PAID CREDIT.—Section 960(d)(1) is amended by striking ''80 percent'' and inserting ''95 percent (100 percent in the case of tested foreign income taxes paid or accrued to a possession of the United States)''.

(b) INCLUSION OF TAXES PROPERLY ATTRIBUTABLE TO TESTED LOSS.—

(1) IN GENERAL.—Section 960(d)(3) is amended to read as follows:

''(3) TESTED FOREIGN INCOME TAXES.—For purposes of paragraph (1), the term 'tested foreign income taxes' means, with respect to any domestic corporation which is a United States shareholder of a controlled foreign corporation—

''(A) the foreign income taxes paid or accrued by such foreign corporation which are properly attributable to the tested income or tested loss of such foreign corporation taken into account by such domestic corporation under section 951A, and

''(B) solely to the extent provided in regulations prescribed by the Secretary, the foreign income taxes (as so defined) paid or accrued by a foreign corporation (other than a controlled foreign corporation) which owns, directly or indirectly, 80 percent or more (by vote or value) of the stock in such domestic corporation but only if—

''(i) such foreign income taxes are properly attributable to amounts of such controlled foreign corporation taken into account in determining tested income or tested loss under section 951A(c)(2), and

''(ii) no credit is allowed, in whole or in part, for such foreign taxes in any foreign jurisdiction.''.

(2) CONFORMING AMENDMENT.—Section 960(d)(2)(B) is amended by striking ''the aggregate amount described in section 951A(c)(1)(A)'' and inserting ''the net CFC tested income (as defined in section 951A(c)(1))''.

(c) APPLICATION OF FOREIGN TAX CREDIT LIMITATION TO AMOUNTS INCLUDED UNDER SECTION 78.—

(1) Section 904(d)(2) is amended by redesignating subparagraph (K) as subparagraph (L) and by inserting after subparagraph (J) the following new subparagraph:

''(K) AMOUNTS INCLUDIBLE UNDER SECTION 78.—Any amount includible in gross income under section 78 shall be treated as income in the same separate category as the related foreign taxes deemed paid.''.

(2) Section 904(d)(3)(G) is amended by striking the second sentence and inserting the following: ''Any amount included in gross income under section 78 shall not be treated as a dividend.''.

(d) DISALLOWANCE OF FOREIGN TAX CREDIT WITH RESPECT TO DISTRIBUTIONS OF PREVIOUSLY TAXED GLOBAL INTANGIBLE LOW-TAXED INCOME.—Section 960(d) is amended by adding at the end the following new paragraph:

''(4) DISALLOWANCE OF FOREIGN TAX CREDIT WITH RESPECT TO DISTRIBUTIONS OF PREVIOUSLY TAXED GLOBAL INTANGIBLE LOW-TAXED INCOME.—No credit shall be allowed under section 901 for 20 percent of any foreign income taxes paid or accrued (or deemed paid under section 960(b)(1)) with respect to any amount excluded from gross income under section 959(a) by reason of an inclusion in gross income under section 951A(a).''.

(e) MODIFICATION OF DISALLOWANCE OF FOREIGN TAX CREDIT RESPECT TO DISTRIBUTIONS OF PREVIOUSLY TAXED GLOBAL INTANGIBLE LOW-TAXED INCOME.—Section 960(d)(4), as added by subsection (d), is amended by striking ''20 percent'' and inserting ''5 percent''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2022, and to taxable years of United States shareholders in which or with which such taxable years of foreign corporations end.

(2) SUBSECTIONS (c) AND (d).—The amendments made by subsections (c) and (d) shall apply to taxable years of foreign corporations beginning after the date of the enactment of this Act, and to taxable years of United States shareholders in which or with which such taxable years of foreign corporations end.

(g) NO INFERENCE REGARDING CERTAIN MODIFICATIONS.—The amendments made by subsections (c) and (d) shall not be construed to create any inference with respect to the proper application of any provision of the Internal Revenue Code of 1986 with respect to any taxable year beginning before the taxable years to which such amendments apply.

SEC. 138128. DEDUCTION FOR FOREIGN SOURCE PORTION OF DIVIDENDS LIMITED TO CONTROLLED FOREIGN CORPORATIONS, ETC.

(a) IN GENERAL.—Section 245A is amended—

(1) in subsections (a), (c)(1), and (c)(2), by striking ''specified 10-percent owned foreign corporation'' each place it appears and inserting ''controlled foreign corporation'', and

(2) by striking subsection (b).

(b) MODIFICATIONS RELATED TO DETERMINATION OF STATUS AS A CONTROLLED FOREIGN CORPORATION.—

(1) Subpart F of part III of subchapter N of chapter 1 is amended by inserting after section 951A the following new section:

''SEC. 951B. AMOUNTS INCLUDED IN GROSS INCOME OF FOREIGN CONTROLLED UNITED STATES SHAREHOLDERS.

''(a) IN GENERAL.—In the case of any foreign controlled United States shareholder of a foreign controlled foreign corporation—

''(1) this subpart (other than sections 951A, 951(b), and 957) shall be applied with respect to such shareholder (separately from, and in addition to, the application of this subpart without regard to this section)—

''(A) by substituting 'foreign controlled United States shareholder' for 'United States shareholder' each place it appears therein, and

''(B) by substituting 'foreign controlled foreign corporation' for 'controlled foreign corporation' each place it appears therein, and

''(2) section 951A shall be applied with respect to such shareholder —

''(A) by treating each reference to 'United States shareholder' in such sections as including a reference to such shareholder, and

''(B) by treating each reference to 'controlled foreign corporation' in such sections as including a reference to such foreign controlled foreign corporation.

''(b) FOREIGN CONTROLLED UNITED STATES SHAREHOLDER.—For purposes of this section, the term 'foreign controlled United States shareholder' means, with respect to any foreign corporation, any United States person which would be a United States shareholder with respect to such foreign corporation if—

''(1) section 951(b) were applied by substituting 'more than 50 percent' for '10 percent or more', and

''(2) section 958(b) were applied without regard to paragraph (4) thereof.

''(c) FOREIGN CONTROLLED FOREIGN CORPORATION.—For purposes of this section, the term 'foreign controlled foreign corporation' means a foreign corporation, other than a controlled foreign corporation, which would be a controlled foreign corporation if section 957(a)(1) were applied—

''(1) by substituting 'foreign controlled United States shareholders' for 'United States shareholders', and

''(2) by substituting 'section 958(b) (other than paragraph (4) thereof)' for 'section 958(b)'.

''(d) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations or other guidance—

''(1) to treat a foreign controlled United States shareholder or a foreign controlled foreign corporation as a United States shareholder or as a controlled foreign corporation, respectively, for purposes of provisions of this title other than this subpart, and

''(2) to prevent the avoidance of the purposes of this section.''.

(2) Section 957(a) is amended to read as follows:

''(a) CONTROLLED FOREIGN CORPORATION.—For purposes of this title—

''(1) IN GENERAL.—The term 'controlled foreign corporation' means any foreign corporation if more than 50 percent of—

''(A) the total combined voting power of all classes of stock of such corporation entitled to vote, or

''(B) the total value of the stock of such corporation,

is owned (within the meaning of section 958(a)), or is considered as owned by applying the rules of ownership of section 958(b), by United States shareholders on any day during the taxable year of such foreign corporation.

''(2) ELECTION TO TREAT A FOREIGN CORPORATION AS A CONTROLLED FOREIGN CORPORATION FOR CERTAIN PURPOSES.—

''(A) IN GENERAL.—In the case of a foreign corporation with respect to which an election is in effect under this paragraph, such foreign corporation shall be treated as a controlled foreign corporation for purposes of this title.

''(B) EXCEPTIONS.—Notwithstanding any other provision of this paragraph, a foreign corporation shall not be treated as a controlled foreign corporation by reason of this paragraph for purposes of any provision of this title if the Secretary determines that treatment of such foreign corporation as a controlled foreign corporation for purposes of such provision would be inconsistent with the purposes of this subchapter.

''(C) ELECTION.—

''(i) BY WHOM.—An election under subparagraph (A) shall be effective only if made by the foreign corporation and by all United States shareholders of such foreign corporation (determined as of the time of such election by such foreign corporation).

''(ii) WITH RESPECT TO WHOM.—Any election under this paragraph, once effective, shall apply to such foreign corporation and to all United States shareholders of such foreign corporation (including any person who becomes a United States shareholder of such foreign corporation after such election takes effect).

''(iii) TIME, MANNER, ETC.—The election under this paragraph shall be made at such time and in such manner as the Secretary may provide and, once effective, may be revoked only with the consent of the Secretary.

''(D) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this paragraph, including regulations or other guidance for the application of this paragraph to an acquisition described in section 381(a) with respect to any corporation to which an election under this paragraph applies.''.

(3) Section 958(b) is amended—

(A) by inserting after paragraph (3) the following:

''(4) Subparagraphs (A), (B), and (C) of section 318(a)(3) shall not be applied so as to consider a United States person as owning stock which is owned by a person who is not a United States person.'', and

(B) by striking ''Paragraph (1)'' in the last sentence and inserting ''Paragraphs (1) and (4)''.

(4) Section 959(b) is amended—

(A) by striking ''the earnings and profits of a controlled foreign corporation'' and inserting ''the earnings and profits of a foreign corporation'',

(B) by striking ''another controlled foreign corporation'' and inserting ''a controlled foreign corporation'',

(C) by striking ''such other controlled foreign corporation'' and inserting ''such controlled foreign corporation'', and

(D) by striking ''of such United States shareholder in the controlled foreign corporation'' and inserting ''of such United States shareholder in the foreign corporation''.

(5) The table of sections for subpart F of part III of subchapter N of chapter 1 is amended by inserting after the item relating to section 951A the following new item:

''Sec. 951B. Amounts included in gross income of foreign controlled United States shareholders.''.

(c) CERTAIN OTHER MODIFICATIONS.—

(1) Section 245A(e)(4) is amended by striking ''an amount received'' and all that follows through ''for which the controlled foreign corporation received a deduction'' and inserting ''any dividend received from a controlled foreign corporation for which such controlled foreign corporation received a deduction''.

(2) Section 245A(g) is amended to read as follows:

''(g) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations or other guidance for—

''(1) the treatment of United States shareholders owning stock of a controlled foreign corporation through a partnership, and

''(2) the denial of all or a portion of the deduction under this section with respect to dividends received from foreign corporations in situations in which—

''(A) any portion of the dividend is out of earnings and profits arising from transactions with related parties which—

''(i) do not occur in the ordinary course of a trade or business, and

''(ii) occur on or after January 1, 2018, and during a taxable year to which section 951A did not apply, or

''(B) a transfer or issuance of stock on or after January 1, 2018, results in a reduction in a United States shareholder's pro rata share of a controlled foreign corporation's subpart F income or tested income (as defined in section 951A).''.

(d) CONFORMING AMENDMENTS.—

(1) Section 91 is amended—

(A) in subsection (a), by striking ''specified 10-percent owned foreign corporation (as defined in section 245A)'' and inserting ''controlled foreign corporation'', and

(B) in subsection (e), by striking ''specified 10-percent owned foreign corporation'' and inserting ''controlled foreign corporation''.

(2)(A) The heading of section 245A is amended by striking ''**SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATIONS**'' and inserting ''**CONTROLLED FOREIGN CORPORATIONS**''.

(B) The item relating to section 245A in the table of sections for part VIII of subchapter B of chapter 1 is amended by striking ''specified 10-percent owned foreign corporations'' and inserting ''controlled foreign corporations''.

(3) Section 246(c)(5) is amended—

(A) in subparagraph (B), by striking ''specified 10-percent owned foreign corporation'' each place it appears and inserting ''controlled foreign corporation'', and

(B) by striking ''SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATION'' in the heading and inserting ''CONTROLLED FOREIGN CORPORATION''.

(4) Section 904 is amended—

(A) in subsection (b)(4), by striking ''specified 10-percent owned foreign corporation'' both places it appears and inserting ''controlled foreign corporation'', and

(B) in subsection (d)(2)(E)—

(i) in clause (i)(I), by striking ''(as defined in section 245A(b))'', and

(ii) by redesignating clause (ii) as clause (iii) and by inserting after clause (i) the following new clause:

''(ii) SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATION.—For purposes of this subparagraph—

''(I) IN GENERAL.—The term 'specified 10-percent owned foreign corporation' means any foreign corporation with respect to which any domestic corporation is a United States shareholder with respect to such corporation.

''(II) EXCLUSION OF PASSIVE FOREIGN INVESTMENT COMPANIES.—Such term shall not include any corporation which is a passive foreign investment company (as defined in section 1297) with respect to the shareholder and which is not a controlled foreign corporation.''.

(5) Section 909(b) is amended by striking ''(as defined in section 245A(b) without regard to paragraph (2) thereof)'' and inserting ''(as defined in section 904(d)(2)(E)(ii) without regard to subclause (II) thereof)''.

(6) Section 961(d) is amended—

(A) by striking ''specified 10-percent owned foreign corporation (as defined in section 245A)'' and inserting ''controlled foreign corporation'', and

(B) by striking ''SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATION'' in the heading and inserting ''CONTROLLED FOREIGN CORPORATION''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to distributions made after the date of the enactment of this Act.

(2) MODIFICATIONS RELATED TO DETERMINATION OF STATUS AS A CONTROLLED FOREIGN CORPORATION.—The amendments made by subsection (b) shall apply to taxable years of foreign corporations beginning after the date of the enactment of this Act, and taxable years of United States persons in which or with which such taxable years of foreign corporations end.

(f) NO INFERENCE REGARDING CERTAIN MODIFICATIONS.—The amendments made by subsections (b)(1), (b)(3), (b)(5), and (c) shall not be construed to create any inference with respect to the proper application of any provision of the Internal Revenue Code of 1986 with respect to distributions made, or taxable years beginning, respectively, before the distributions or taxable years, respectively, to which such amendments apply.

SEC. 138129. LIMITATION ON FOREIGN BASE COMPANY SALES AND SERVICES INCOME.

(a) FOREIGN BASE COMPANY SALES INCOME.—

(1) IN GENERAL.—Section 954(d)(2) is amended to read as follows:

''(2) LIMITATION AND REGULATORY AUTHORITY.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'related person' shall not include any person unless such person is—

''(i) a taxable unit which is a tax resident of (or, in the case of a branch, is located in) the United States, or

''(ii) is subject to tax under this chapter by reason of such person's activities in the United States.

''(B) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this subsection (and subsection (e)), including—

''(i) regulations or other guidance providing for the proper application of subparagraph (A) in the case of a transaction (or series of transactions) in which a person described in subparagraph (A) is a party, and

''(ii) regulations or other guidance providing that a pass-through entity or branch held directly or indirectly by a controlled foreign corporation (whether tax resident or located inside or outside the country in which the controlled foreign corporation is a tax resident) shall be treated as a wholly owned subsidiary of the controlled foreign corporation.

''(C) CERTAIN TERMS.—Any term used in this subsection or subsection (e) which is also used in section 904(e) shall have the same meaning as when used in such section.''.

(2) CONFORMING AMENDMENT.—Section 954(d)(1)(A) is amended by striking ''under the laws of which the controlled foreign corporation is created or organized'' and inserting ''in which the controlled foreign corporation is a tax resident''.

(b) FOREIGN BASE COMPANY SERVICES INCOME.—

(1) IN GENERAL.—Section 954(e)(1)(A) is amended by striking ''subsection (d)(3)'' and inserting ''subsection (d)''.

(2) CONFORMING AMENDMENT.—Section 954(e)(1)(B) is amended by striking ''under the laws of which the controlled foreign corporation is created or organized'' and inserting ''in which the controlled foreign corporation is a tax resident''.

(c) CERTAIN OTHER MODIFICATIONS.—

(1) Section 78 is amended by striking '', (b),''.

(2)(A) Section 951(a) is amended to read as follows:

''(a) AMOUNTS INCLUDED.—

''(1) IN GENERAL.—If a foreign corporation is a controlled foreign corporation on any day during a taxable year, every person who is a United States shareholder of such corporation, and who owns (within the meaning of section 958(a)) stock in such corporation on any such day, shall include in such shareholder's gross income for such shareholder's taxable year in which or with which such taxable year of such corporation ends—

''(A) his pro rata share (determined under paragraph (2)) of the corporation's subpart F income for such year, and

''(B) if such shareholder owns (within the meaning of section 958(a)) stock of such foreign corporation as of the close of the last relevant day of such foreign corporation's taxable year, the amount determined under section 956 with respect to such shareholder for such year (but only to the extent not excluded from gross income under section 959(a)(2)).

''(2) PRO RATA SHARE OF SUBPART F INCOME.—In the case of any United States shareholder with respect to a foreign corporation, the pro rata share referred to in paragraph (1)(A) is the sum of—

''(A) if such shareholder owns (within the meaning of section 958(a)) stock of such foreign corporation as of the close of the last relevant day of such foreign corporation's taxable year, such shareholder's general pro rata share determined under paragraph (3), plus

''(B) if such shareholder owns (within the meaning of section 958(a)) stock of such foreign corporation during such taxable year but does not own (within the meaning of section 958(a)) such stock as of the close of such last relevant day, such shareholder's nontaxed current dividend share determined under paragraph (4).

''(3) GENERAL PRO RATA SHARE.—

''(A) IN GENERAL.—In the case of any United States shareholder with respect to a foreign corporation, the general pro rata share determined under this paragraph is the excess (if any) of—

''(i) the pro rata current earnings percentage of the amount which bears the same ratio to such corporation's subpart F income for the taxable year (reduced by the aggregate nontaxed current dividend shares determined under paragraph (4) with respect to such shareholder or any other United States shareholder) as the part of such year during which such corporation is a controlled foreign corporation bears to the entire year, over

''(ii) the lesser of—

''(I) the amount of any pre-holding period dividends with respect to stock of such foreign corporation which such shareholder owns (within the meaning of section 958(a)) as of the close of the last relevant day of such foreign corporation's taxable year, or

''(II) the amount which bears the same ratio to the subpart F income of such corporation for the taxable year (reduced by the aggregate nontaxed current dividend shares determined under paragraph (4) with respect to such shareholder or any other United States shareholder) as the part of such year during which such shareholder did not own (within the meaning of section 958(a)) such stock bears to the entire year.

''(B) PRO RATA CURRENT EARNINGS PERCENTAGE.—For purposes of subparagraph (A)(i), the term 'pro rata current earnings percentage' means, in the case of any United States shareholder with respect to a foreign corporation for any taxable year of such foreign corporation, the ratio (expressed as a percentage) of—

''(i) the amount which would have been distributed with respect to the stock which such shareholder owns (within the meaning of section 958(a)) in such corporation if on the last relevant day of such taxable year it had distributed its earnings and profits for such taxable year (computed as of the close of such taxable year without diminution by reason of any distributions made during such taxable year), divided by

''(ii) such corporation's earnings and profits for such taxable year (as so computed).

''(C) PRE-HOLDING PERIOD DIVIDENDS.—For purposes of subparagraph (A)(ii)(I), the term 'pre-holding period dividends' means, in the case of any United States shareholder with respect to a foreign corporation for any taxable year of such foreign corporation, dividends which are—

''(i) made out of such corporation's earnings and profits for the taxable year (other than nontaxed current dividends as defined in paragraph (4)(C)), and

''(ii) received—

''(I) by any other United States person with respect to stock of such foreign corporation which such shareholder owns (within the meaning of section 958(a)) as of the close of the last relevant day of such foreign corporation's taxable year, and

''(II) while such foreign corporation was a controlled foreign corporation and before such shareholder owned (within the meaning of section 958(a)) such stock.

''(4) NONTAXED CURRENT DIVIDEND SHARE.—

''(A) IN GENERAL.—In the case of any United States shareholder with respect to a foreign corporation, the nontaxed current dividend share determined under this paragraph is the nontaxed current dividend percentage of the subpart F income of such foreign corporation for the taxable year.

''(B) NONTAXED CURRENT DIVIDEND PERCENTAGE.—For purposes of this paragraph, the term 'nontaxed current dividend percentage' means, in the case of any United States shareholder with respect to a foreign corporation for any taxable year of such foreign corporation, the ratio (expressed as a percentage) of—

''(i) the amount of nontaxed current dividends with respect to such taxable year received with respect to the stock of such foreign corporation which such shareholder owns (within the meaning of section 958(a)) at the time of the dividend on a day in which such corporation is a controlled foreign corporation, divided by

''(ii) such foreign corporation's earnings and profits for such taxable year (computed as of the close of such taxable year without diminution by reason of any distributions made during such taxable year).

''(C) NONTAXED CURRENT DIVIDENDS.—For purposes of this paragraph, the term 'nontaxed current dividends' means the portion of any amount received with respect to stock to the extent such amount (without regard to amounts included in the gross income of a United States shareholder for the taxable year by reason of this subpart)—

''(i) would result in a dividend out of the corporation's earnings and profits for the taxable year (including a dividend under section 1248 attributable to earnings and profits for the taxable year), and

''(ii) either—

''(I) would give rise to a deduction under section 245A(a), or

''(II) in the case of a dividend paid directly or indirectly to a controlled foreign corporation with respect to stock owned by the shareholder within the meaning of section 958(a)(2), would not result in subpart F income with respect to such controlled foreign corporation by reason of subsection (b)(4), (c)(3), or (c)(6) of section 954.

''(5) LAST RELEVANT DAY OF TAXABLE YEAR OF A CONTROLLED FOREIGN CORPORATION.—For purposes of this subsection, the term 'last relevant day' means, with respect to any taxable year of a foreign corporation, the last day of such taxable year on which such corporation is a controlled foreign corporation.

''(6) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance—

''(A) to treat a partnership as an aggregate of its partners,

''(B) to provide rules allowing a foreign corporation to close its taxable year upon a change in ownership, and

''(C) to treat a distribution followed by an issuance of stock to a shareholder not subject to tax under this chapter in the same manner as an acquisition of stock.''.

(B) Section 951A(a) is amended to read as follows:

''(a) IN GENERAL.—If a foreign corporation is a controlled foreign corporation on any day during a taxable year, every person who is a United States shareholder of such corporation, and who owns (within the meaning of section 958(a)) stock in such corporation on any such day, shall include in such shareholder's gross income for such shareholder's taxable year in which or with which such taxable year of such corporation ends, such shareholder's global intangible low-taxed income for such taxable year.''.

(C) Section 951A(e) is amended to read as follows:

''(e) DETERMINATION OF PRO RATA SHARES.—For purposes of this section, the pro rata shares referred to in subsections (b), (c)(1)(A), and (c)(1)(B), respectively, shall be determined under rules similar to the rules of section 951(a)(2) and shall be taken into account in the taxable year of the United States shareholder in which or with which the taxable year of the controlled foreign corporation ends.''.

(D) Section 953(c)(5)(A)(i) is amended—

(i) in subclause (I), by adding ''and'' at the end,

(ii) in subclause (II)—

(I) by striking ''on the last day of the taxable year'' and inserting ''during the taxable year'', and

(II) by striking ''and'' at the end and inserting ''or'', and

(iii) by striking subclause (III).

(3) Section 959 is amended by adding at the end the following:

''(g) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section.''.

(4) Section 961(b)(1) is amended by inserting after the first sentence the following: ''The Secretary shall prescribe such other reductions to basis as are necessary or appropriate to carry out the purposes of this section.''.

(5) Section 961(c) is amended—

(A) by striking ''BASIS ADJUSTMENTS IN'' in the heading of such subsection and inserting ''APPLICATION OF RULES TO'', and

(B) by striking ''then adjustments similar to'' and all that follows in such subsection and inserting ''then rules similar to the rules of subsections (a) and (b) shall apply to—

''(1) such stock,

''(2) stock in any other controlled foreign corporation by reason of which the United States shareholder is considered under section 958(a)(2) as owning the stock described in paragraph (1), and

''(3) property by reason of which the United States shareholder is considered as owning stock described in paragraph (1) or (2),

but only for purposes of determining the amount included under section 951 in the gross income of such United States shareholder (or any other United States shareholder who acquires from any person any portion of the interest of such United States shareholder by reason of which such shareholder was treated as owning such stock, but only to the extent of such portion, and subject to such proof of identity of such interest as the Secretary may prescribe by regulations). The preceding sentence shall not apply with respect to any stock or property to which subsection (a) or (b) applies.''.

(d) EFFECTIVE DATES.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2021, and to taxable years of United States shareholders in which or with which such taxable years of foreign corporations end.

(e) NO INFERENCE REGARDING CERTAIN MODIFICATIONS.—The amendments made by paragraphs (1) and (2) of subsection (c) shall not be construed to create any inference with respect to the proper application of any provision of the Internal Revenue Code of 1986 with respect to any taxable year beginning before the taxable years to which such amendments apply.

Subpart D—Inbound International Provisions

SEC. 138131. MODIFICATIONS TO BASE EROSION AND ANTI-ABUSE TAX.

(a) MODIFICATIONS TO BASE EROSION MINIMUM TAX AMOUNT.—

(1) MODIFICATION OF RATES.—Section 59A(b)(1)(A) is amended by striking ''10 percent (5 percent in the case of taxable years beginning in calendar year 2018)'' and inserting ''the applicable percentage''.

(2) BASE EROSION MINIMUM TAX AMOUNT DETERMINED WITHOUT REGARD TO CREDITS.—Section 59A(b)(1)(B) is amended to read as follows:

''(B) an amount equal to the regular tax liability (as defined in section 26(b)) of the taxpayer for the taxable year.''.

(3) APPLICABLE PERCENTAGE.—Section 59A(b)(2) is amended to read as follows:

''(2) APPLICABLE PERCENTAGE.—For purposes of this section, the term 'applicable percentage' means—

''(A) in the case of any taxable year beginning after December 31, 2021, and before January 1, 2023, 10 percent,

''(B) in the case of any taxable year beginning after December 31, 2022, and before January 1, 2024, 12.5 percent,

''(C) in the case of any taxable year beginning after December 31, 2023, and before January 1, 2025, 15 percent, and

''(D) in the case of any taxable year beginning after December 31, 2024, 18 percent.''.

(4) TAXPAYERS SUBJECT TO RULES FOR BANKS AND SECURITIES DEALERS.—Section 59A(b)(3)(B) is amended to read as follows:

''(B) TAXPAYER DESCRIBED.—A taxpayer is described in this subparagraph if such taxpayer is—

''(i) a bank (as defined in section 585(a)(2)),

''(ii) a securities dealer registered under section 15(a) of the Securities Exchange Act of 1934, or

''(iii) a member of an affiliated group (as defined in section 1504(a)(1), determined without regard to section 1504(b)(3)) which includes any person described in clause (i) or (ii).''.

(5) TERMINATION OF INCREASED RATE FOR BANKS AND SECURITIES DEALERS.—Section 59A(b)(3) is amended by adding at the end the following new subparagraph:

''(C) TERMINATION.—Subparagraph (A) shall not apply to any taxable year beginning after December 31, 2024.''.

(6) GENERAL BUSINESS CREDIT ALLOWED AGAINST BASE EROSION AND ANTI-ABUSE TAX.—Section 38(c)(1) is amended by striking ''the tax imposed by section 55'' and inserting ''the taxes imposed by sections 55 and 59A''.

(7) CONFORMING AMENDMENTS.—

(A) Section 59A(b)(3)(A) is amended by striking ''paragraphs (1)(A) and (2)(A) shall each'' and inserting ''paragraph (2) shall''.

(B) Section 59A(b) is amended by striking paragraph (4).

(b) MODIFICATION OF RULES FOR DETERMINING MODIFIED TAXABLE INCOME.—

(1) IN GENERAL.—Section 59A(c) is amended to read as follows:

''(c) MODIFIED TAXABLE INCOME.—For purposes of this section—

''(1) IN GENERAL.—The term 'modified taxable income' means the taxable income of the taxpayer computed under this chapter for the taxable year with the following adjustments:

''(A) BASE EROSION PAYMENTS.—Taxable income shall be determined without regard to any base erosion tax benefit, including for purposes of determining the adjusted basis of property described in subsection (d)(2).

''(B) ADJUSTMENTS WITH RESPECT TO COST OF GOODS SOLD.—Cost of goods sold shall be determined without regard to any base erosion payment described in subparagraph (A) or (B) of subsection (d)(5).

''(C) NET OPERATING LOSSES.—The net operating loss deduction for the taxable year under section 172 shall be determined—

''(i) by substituting 'modified taxable income (as determined under section 59A(c)(1) without regard to subparagraph (C) thereof)' for 'taxable income' in section 172(a)(2)(B)(ii)(I),

''(ii) by determining any net operating loss arising in any taxable year beginning after December 31, 2021, without regard to any base erosion tax benefit (determined with respect to each such taxable year), and

''(iii) by making appropriate adjustments in the application of section 172(b)(2) to take into account clauses (i) and (ii) of this subparagraph.

''(D) APPLICATION OF CERTAIN OTHER ADJUSTMENTS.—Except as otherwise provided by the Secretary, rules similar to the rules of subsections (g) and (h) of section 59 shall apply.

''(2) BASE EROSION TAX BENEFIT.—The term 'base erosion tax benefit' means—

''(A) any deduction allowed under this chapter for the taxable year with respect to any base erosion payment described in subsection (d)(1),

''(B) in the case of a base erosion payment described in subsection (d)(2), any deduction allowed under this chapter for the taxable year for depreciation (or amortization in lieu of depreciation) with respect to property referred to in subparagraph (A) or (B) of such subsection to the extent of the amounts described in such subsection with respect to such property,

''(C) in the case of a base erosion payment described in subsection (d)(3)—

''(i) any reduction under section 803(a)(1)(B) in the gross amount of premiums and other consideration on insurance and annuity contracts for premiums and other consideration arising out of indemnity insurance, and

''(ii) any deduction under section 832(b)(4)(A) from the amount of gross premiums written on insurance contracts during the taxable year for premiums paid for reinsurance, and

''(D) in the case of a base erosion payment described in subsection (d)(4), any reduction in gross receipts with respect to such payment in computing gross income of the taxpayer for the taxable year for purposes of this chapter.''.

(2) CERTAIN PAYMENTS WITH RESPECT TO PROPERTY PRODUCED BY THE TAXPAYER.—Section 59A(d)(2) is amended to read as follows:

''(2) TREATMENT OF CERTAIN RELATED-PARTY PAYMENTS WITH RESPECT TO DEPRECIABLE PROPERTY.—Such term shall also include any amount paid or accrued by the taxpayer to a foreign person which is a related party of the taxpayer in connection with—

''(A) the acquisition by the taxpayer from such person of property of a character subject to the allowance for depreciation (or amortization in lieu of depreciation), or

''(B) property produced by the taxpayer that is of a character subject to the allowance for depreciation (or amortization in lieu of depreciation) if such amount is required to be capitalized under section 263A, including payments in respect of indebtedness or services.''.

(3) CERTAIN PAYMENTS WITH RESPECT TO INVENTORY TREATED AS BASE EROSION PAYMENTS.—Section 59A(d) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) CERTAIN PAYMENTS WITH RESPECT TO INVENTORY.—

''(A) INDIRECT COSTS INCLUDED IN INVENTORY UNDER SECTION 263A.—Such term shall also include any amount paid or incurred by the taxpayer to a foreign person which is a related party of the taxpayer if such amount is described in paragraph (2)(B) of section 263A(a) and required to be included in inventory costs of the taxpayer under paragraph (1)(A) of such section. Such term shall also include any amount paid or incurred by the taxpayer to a foreign person which is a related party of the taxpayer if such amount is capitalized to the basis of property that is of a character subject to the allowance for depreciation (or amortization in lieu of depreciation), and the depreciation (or amortization in lieu of depreciation) is required to be included in inventory costs of the taxpayer under section 263A(a)(1)(A).

''(B) CERTAIN COSTS OF FOREIGN RELATED PARTIES.—Such term shall also include so much of any amount which is paid or incurred by the taxpayer to a foreign person which is a related party of the taxpayer, is described in paragraph (2)(A) of section 263A(a), and is required to be included in inventory costs of the taxpayer under paragraph (1)(A) of such section, as exceeds the sum of—

''(i) the direct costs of such property in the hands of such foreign person, plus

''(ii) so much of the costs described in section 263A(a)(2)(B) with respect to such property in the hands of such foreign person as the taxpayer demonstrates to the satisfaction of the Secretary are attributable to amounts—

''(I) paid or incurred by such foreign person to a United States person or a person which is not a related party of the taxpayer, or

''(II) otherwise subject to the tax imposed by this chapter.

''(C) APPLICATION TO RELATED-PARTY TRANSACTIONS.—In the case of direct costs otherwise

described in clause (i) of subparagraph (B) which are paid or incurred by the foreign person referred to in such clause to another foreign person which is a related party of the taxpayer, such costs shall be taken into account under such clause only to the extent that the taxpayer demonstrates to the satisfaction of the Secretary that such costs are attributable to amounts—

''(i) paid or incurred (directly or indirectly) to a United States person or a person which is not a related party of the taxpayer, or

''(ii) otherwise subject to the tax imposed by this chapter.

''(D) SAFE HARBOR WITH RESPECT TO INDIRECT COSTS OF FOREIGN RELATED PARTIES.—In the case of a taxpayer which elects the application of this subparagraph (at such time, in such manner, and with respect to such inventory property, as the Secretary may provide), the amount described in subparagraph (B)(ii) with respect to such property shall be treated for purposes of this section as being equal to 20 percent of the amount paid or incurred by the taxpayer to the related party of the taxpayer in connection with the acquisition of such property.

''(E) APPLICATION OF CERTAIN RULES.—Rules similar to the rules of subparagraphs (B) and (C) of subsection (i)(1) shall apply for purposes of determining whether any amount is treated as subject to the tax imposed by this chapter for purposes of subparagraph (B) or (C) of this paragraph.''.

(4) EXPANSION AND CONSOLIDATION OF RULES TO EXEMPT CERTAIN PAYMENTS FROM TREATMENT AS BASE EROSION PAYMENTS.—

(A) IN GENERAL.—Section 59A is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

''(i) CERTAIN PAYMENT NOT TREATED AS BASE EROSION PAYMENTS.—

''(1) EXCEPTION FOR PAYMENTS ON WHICH TAX IS IMPOSED.—

''(A) IN GENERAL.—An amount shall not be treated as a base erosion payment if tax is (or was at the time of payment or accrual) imposed by this chapter with respect to such amount (other than by this section).

''(B) TREATMENT OF CERTAIN DEDUCTIONS.—For purposes of subparagraph (A), tax shall be treated as imposed by this chapter without regard to any deduction allowed under part VIII of subchapter B.

''(C) APPLICATION OF CERTAIN RULES.—The amount not treated as a base erosion payment by reason of this paragraph shall be determined under rules similar to the rules of section 163(j)(5) (as in effect before the date of the enactment of Public Law 115-97).

''(2) EXCEPTION FOR CERTAIN PAYMENTS SUBJECT TO SUFFICIENT FOREIGN TAX.—

''(A) IN GENERAL.—An amount shall not be treated as a base erosion payment if the taxpayer establishes to the satisfaction of the Secretary that such amount was made to a foreign person which is a related party of the taxpayer that is subject to an effective rate of foreign income tax (as defined in section 904(d)(2)(F)) which is not less than the lesser of—

''(i) 15 percent, or

''(ii) the applicable percentage in effect under subsection (b)(2) (determined without regard to subsection (b)(3)) for the taxable year in which such amount is paid or accrued.

''(B) CERTAIN PAYMENTS TO RELATED PARTIES.—To the extent provided by the Secretary in regulations, an amount paid to a foreign person which is a related party of the taxpayer shall be treated as paid to another foreign person which is a related party of the taxpayer if such second foreign person is subject to an effective rate of foreign income tax (as defined in section 904(d)(2)(F)) which is less than the lesser of 15 percent or the percentage described in subparagraph (A)(ii), to the extent the amount so paid directly or indirectly funds a payment to such second foreign person.

''(C) DETERMINATION ON BASIS OF APPLICABLE FINANCIAL STATEMENTS.—Except as otherwise provided by the Secretary under subparagraph (D), the effective rate of foreign income tax with respect to any amount may be established on the basis of applicable financial statements (as defined in section 451(b)(3)).

''(D) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this paragraph, including regulations or other guidance providing procedures for determining the effective rate of foreign income tax to which any amount is subject. Such procedures may require that any transaction or series of transactions among multiple parties be recharacterized as one or more transactions directly among any 2 or more of such parties where the Secretary determines that such recharacterization is appropriate to carry out, or prevent avoidance of, the purposes of this section.

''(3) EXCEPTION FOR CERTAIN AMOUNTS WITH RESPECT TO SERVICES.—Subsections (d)(1) and (d)(5)(A) shall not apply to so much of any amount paid or accrued by a taxpayer for services as does not exceed the total services cost of such services. The preceding sentence shall not apply unless such services meet the requirements for eligibility for use of the services cost method under section 482 (determined without regard to the requirement that the services not contribute significantly to fundamental risks of business success or failure).''.

(B) CONFORMING AMENDMENT.—Section 59A(d), as amended by paragraph (2), is amended by striking paragraph (6).

(c) TERMINATION OF EXEMPTION FROM BASE EROSION AND ANTI-ABUSE TAX FOR TAXPAYERS WITH LOW BASE EROSION PERCENTAGE.—Section 59A(e)(1)(C) is amended by striking ''the base erosion percentage (as determined under subsection (c)(4))'' and inserting ''in the case of any taxable year beginning before January 1, 2024, the base erosion percentage (as determined under subsection (c)(4) as in effect before the date of the enactment of the Act enacted during the 117th Congress which is entitled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14.')''.

(d) TREATMENT OF APPLICABLE TAXPAYERS.—Section 59A(e) is amended by adding at the end the following new paragraph:

''(4) CONTINUATION OF TREATMENT AS APPLICABLE TAXPAYER.—If a taxpayer is an applicable taxpayer with respect to any taxable year beginning after December 31, 2021 (other than by reason of this paragraph), such taxpayer (and any successor of such taxpayer) shall be an applicable taxpayer with respect to each of the 10 succeeding taxable years.''.

(e) OTHER MODIFICATIONS.—

(1) Section 59A(b)(1) is amended by striking ''Except as provided in paragraphs (2) and (3), the'' and inserting ''The''.

(2) Section 59A(h)(2)(B) is amended by striking ''section 6038B(b)(2)'' and inserting ''section 6038A(b)(2)''.

(3) Section 59A(j)(2), as redesignated by subsection (b), is amended by striking ''subsection (g)(3)'' and inserting ''subsection (h)(3)''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

Subpart E—Other Business Tax Provisions

SEC. 138141. CREDIT FOR CLINICAL TESTING OF ORPHAN DRUGS LIMITED TO FIRST USE OR INDICATION.

(a) IN GENERAL.—Section 45C(b)(2)(B) is amended to read as follows:

''(B) TESTING MUST BE RELATED TO FIRST USE OR INDICATION FOR RARE DISEASE OR CONDITION.—Human clinical testing may be taken into account under subparagraph (A) only to the extent such testing is related to the first use or indication with respect to which a drug for a rare disease or condition is designated under section 526 of the Federal Food, Drug, and Cosmetic Act.''.

(b) ELIGIBLE TESTING MUST BE CONDUCTED BEFORE APPROVAL FOR ANY USE OR INDICATION.—Section 45C(b)(2)(A)(ii)(II) is amended to read as follows:

''(II) before the first date on which an application (with respect to any use or indication with respect to any disease or condition) with respect to such drug is approved under section 505(c) of such Act or, if the drug is a biological product, before the first date on which a license (with respect to any use or indication with respect to any disease or condition) for such drug is issued under section 351(a) of the Public Health Service Act, and''.

(c) ELIGIBILITY OF BIOLOGICAL PRODUCTS.—

(1) IN GENERAL.—Section 45C(b)(2)(A)(i) is amended by inserting ''or, if the drug is a biological product, section 351(a)(3) of the Public Health Service Act'' before the comma at the end.

(2) CONFORMING AMENDMENT.—Section 45C(b)(2)(A)(ii)(I) is amended by striking ''such Act'' and inserting ''the Federal Food, Drug, and Cosmetic Act''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 138142. MODIFICATIONS TO TREATMENT OF CERTAIN LOSSES.

(a) LOSSES FROM CERTAIN CAPITAL ASSETS WHICH BECOME WORTHLESS.—

(1) WHEN TREATED AS LOSS.—Section 165(g)(1) is amended by striking ''on the last day of the taxable year'' and inserting ''at the time of the identifiable event establishing worthlessness''.

(2) TREATMENT OF PARTNERSHIP INDEBTEDNESS.—Section 165(g)(2)(C) is amended by inserting '', by a partnership,'' after ''by a corporation''.

(3) TREATMENT OF ABANDONMENT.—Section 165(g) is amended by adding at the end the following new paragraph:

''(4) TREATMENT OF ABANDONMENT.—For purposes of this subsection and subsection (m), abandonment shall be treated as an identifiable event establishing worthlessness.''.

(4) TREATMENT OF PARTNERSHIP INTEREST.—Section 165 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) WORTHLESS PARTNERSHIP INTEREST.—If any interest in a partnership becomes worthless during the taxable year, the loss resulting therefrom shall, for purposes of this subtitle, be treated as a loss from the sale or exchange of the interest in the partnership at the time of the identifiable event establishing worthlessness.''.

(b) DEFERRAL OF LOSSES IN CERTAIN CONTROLLED GROUP CORPORATE LIQUIDATIONS.—Section 267 is amended by adding at the end the following new subsection:

''(h) DEFERRAL OF LOSSES IN CERTAIN CONTROLLED GROUP LIQUIDATIONS.—

''(1) IN GENERAL.—In the case of any specified controlled group liquidation, no loss shall be recognized by any member of the controlled group on any stock or security of the liquidating corporation until all property received by members of the controlled group in connection with such liquidation has been transferred to one or more persons who are not related (within the meaning of subsection (b)(3) or section 707(b)(1)) to the member which received such property.

''(2) SPECIFIED CONTROLLED GROUP LIQUIDATION.—For purposes of this subsection, the term 'specified controlled group liquidation' means, with respect to any corporation which is a member of a controlled group—

''(A) one or more distributions in complete liquidation (within the meaning of section 346) of such corporation,

''(B) any other transfer (including any series of transfers) of property of such corporation if any stock or security of such corporation becomes worthless in connection with such transfer, and

''(C) any issuance of debt by such corporation to one or more persons who are related (within

the meaning of subsection (b)(3) or section 707(b)(1)) to such corporation if any stock or security of such corporation becomes worthless in connection with such issuance.

''(3) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this subsection, including to apply the principles of this subsection to liquidating corporation stock or securities owned by a corporation indirectly through 1 or more partnerships.''.

(c) CROSS REFERENCE.—Section 331(c) is amended—

(1) by striking ''CROSS REFERENCE'' and all that follows through ''For general rule'' and inserting the following: ''CROSS REFERENCE.—

''(1) For general rule'', and

(2) by adding at the end the following new paragraph:

''(2) For losses in controlled group liquidations, see section 267(h).''.

(d) EFFECTIVE DATE.—

(1) SUBSECTION (a).—The amendments made by this section shall apply to losses arising in taxable years beginning after December 31, 2021.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to liquidations on or after the date of the enactment of this Act.

SEC. 138143. ADJUSTED BASIS LIMITATION FOR DIVISIVE REORGANIZATION.

(a) IN GENERAL.—Section 361 is amended by adding at the end the following new subsections:

''(d) ADJUSTED BASIS LIMITATION FOR DIVISIVE REORGANIZATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), in the case of a reorganization described in section 368(a)(1)(D) with respect to which stock or securities of the controlled corporation (within the meaning of section 355) are distributed by the distributing corporation (within the meaning of such section) in a transaction which qualifies under such section, subsections (b)(3) and (c)(3) shall not apply to so much of the amount described in clauses (ii) and (iii) of subparagraph (A) as does not exceed the excess (if any) of—

''(A) the sum of—

''(i) the total amount of the liabilities assumed (within the meaning of section 357(c)) by the controlled corporation, and

''(ii) the total amount of money and the fair market value of other property transferred to the creditors,

''(iii) the fair market value of the stock described in section 354(a)(2)(C) and the total principal amount of obligations of the controlled corporation described in subsection (c)(2)(B) which are qualified property (as defined in subsection (c)(2)(B)) transferred to the creditors, over

''(B) the total adjusted bases of the assets transferred by the distributing corporation to the controlled corporation.

''(2) EXCEPTION REGARDING CERTAIN STOCK OR RIGHTS TO ACQUIRE STOCK.—Paragraph (1) shall not apply to any stock (or right to acquire stock) described in subsection (c)(2)(B).

''(3) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this subsection and to prevent avoidance of tax through abuse or circumvention of subsection (b)(3), subsection (c)(3), or this subsection, including to determine whether a disposition of property or any other transaction is in connection with the reorganization or pursuant to the plan of reorganization.

''(e) CROSS-REFERENCES.—For provisions providing for the inclusion of income or recognition of gain in certain distributions, see subsections (d), (e), (f), (g), and (h) of section 355.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 361(b)(3) is amended—

(A) in the first sentence, by inserting '', and except as provided in subsection (d)'' after ''paragraph (1)'', and

(B) by striking the second and third sentences.

(2) Section 361(c) is amended—

(A) in paragraph (3), by inserting '', and except as provided in subsection (d)'' after ''this subsection'', and

(B) by striking paragraph (5).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to reorganizations occurring on or after the date of the enactment of this Act.

(d) TRANSITION RULE.—The amendments made by this section shall not apply to any exchange pursuant to a transaction which is—

(1) made pursuant to a written agreement which was binding on the date of the enactment of this Act, and at all times thereafter,

(2) described in a ruling request submitted to the Internal Revenue Service on or before such date, or

(3) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

SEC. 138144. RENTS FROM PRISON FACILITIES NOT TREATED AS QUALIFIED INCOME FOR PURPOSES OF REIT INCOME TESTS.

(a) IN GENERAL.—Section 856(d)(2) is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by adding at the end the following new subparagraph:

''(D) any amount received or accrued, directly or indirectly, with respect to any real or personal property which is primarily used in connection with any correctional, detention, or penal facility.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 138145. MODIFICATIONS TO EXEMPTION FOR PORTFOLIO INTEREST.

(a) IN GENERAL.—Section 871(h)(3)(B)(i) is amended to read as follows:

''(i) in the case of an obligation issued by a corporation—

''(I) any person who owns 10 percent or more of the total combined voting power of all classes of stock of such corporation entitled to vote, or

''(II) any person who owns 10 percent or more of the total value of the stock of such corporation, and''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 138146. CERTAIN PARTNERSHIP INTEREST DERIVATIVES.

(a) IN GENERAL.—Section 871(m) is amended by adding at the end the following new paragraph:

''(8) SPECIFIED PARTNERSHIP INTEREST INCOME EQUIVALENT PAYMENTS.—

''(A) IN GENERAL.—For purposes of this subsection, any payment made pursuant to a specified notional principal contract that (directly or indirectly) is contingent upon, or is determined by reference to, any income or gain in respect of an interest in a specified partnership (or any other payment the Secretary determines to be substantially similar) shall be treated as a dividend equivalent. For purposes of the preceding sentence, income or gain includes any income or gain from the deemed disposition of such interest as a result of the termination of, or payment with respect to, such contract (determined in the same manner as under section 864(c)(8) but without regard to subparagraph (C) thereof) and any income or gain described in subsection (a)(1) or section 881(a).

''(B) SPECIFIED PARTNERSHIP.—For purposes of this paragraph, the term 'specified partnership' means—

''(i) any publicly traded partnership (as defined in section 7704(b)) which is not treated as a corporation under such section, or

''(ii) any other partnership as the Secretary may by regulation prescribe.

''(C) EXCEPTIONS.—

''(i) CERTAIN PAYMENTS.—Subparagraph (A) shall not apply to any payment the Secretary determines does not have the potential for tax avoidance.

''(ii) CERTAIN INCOME.—Under such regulations as the Secretary shall prescribe, there shall not be taken into account under subparagraph (A) any payment to the extent determined by reference to income or gain in respect of an interest in a specified partnership which would be, if earned by a nonresident alien individual or a foreign corporation—

''(I) exempt from tax under this chapter, or

''(II) from sources without the United States and not effectively connected with the conduct of a trade or business within the United States.

''(D) TREATMENT OF DEFINITIONS AND SPECIAL RULES WITH RESPECT TO PARTNERSHIPS.—For purposes of this paragraph, rules similar to the rules and definitions in paragraphs (3), (4), (5), (6), and (7) shall apply to an interest in a specified partnership in a manner similar to an underlying security, and to income or gain in respect of an interest in a specified partnership in a manner similar to a dividend.

''(E) REGULATIONS.—The Secretary shall issue such regulations or other guidance as the Secretary determines is necessary or appropriate to carry out the purposes of this paragraph, including to apply this paragraph to payments determined under sale-repurchase agreements or securities lending transactions with respect to interests in specified partnerships, to determine the amount of a distribution by a specified partnership that is income or gain of the partnership (including the portion thereof that is excepted under subparagraph (C)) in a manner consistent with section 1441(g), and to require the provision of information by specified partnerships necessary to determine such amount.''.

(b) WITHHOLDING OF TAX ON NONRESIDENT ALIENS.—Section 1441 is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) DIVIDEND EQUIVALENTS IN CASE OF CERTAIN SPECIFIED PARTNERSHIPS.—The Secretary may prescribe regulations, under rules similar to the rules of section 1446, to determine the amount of a payment in respect of income and gain of a specified partnership (as defined in 871(m)(8)) which is a dividend equivalent.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after December 31, 2022.

SEC. 138147. ADJUSTMENTS TO EARNINGS AND PROFITS OF CONTROLLED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Section 312(n) is amended by adding at the end the following new paragraph:

''(9) SPECIAL RULES FOR CONTROLLED FOREIGN CORPORATIONS.—Earnings and profits of any controlled foreign corporation shall be determined without regard to paragraphs (4), (5), and (6).''.

(b) CONFORMING AMENDMENT.—Section 952(c) is amended by striking paragraph (3).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations ending after the date of the enactment of this Act, and to taxable years of United States shareholders in which or with which such taxable years of foreign corporations end.

SEC. 138148. CERTAIN DIVIDENDS OF CONTROLLED FOREIGN CORPORATIONS TREATED AS EXTRAORDINARY DIVIDENDS.

(a) IN GENERAL.—Section 1059 is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) TREATMENT OF CERTAIN DIVIDENDS OF CONTROLLED FOREIGN CORPORATIONS.—

''(1) IN GENERAL.—Except as otherwise provided by the Secretary, any disqualified CFC

dividend shall be treated as an extraordinary dividend to which paragraphs (1) and (2) of subsection (a) apply without regard to the period the taxpayer held the stock with respect to which such dividend is paid.

''(2) DISQUALIFIED CFC DIVIDEND.— For purposes of this subsection—

''(A) IN GENERAL.—The term 'disqualified CFC dividend' means any dividend paid by a controlled foreign corporation to the extent such dividend is attributable to earnings and profits which—

''(i) were earned during any period that such corporation was not a controlled foreign corporation, or

''(ii) are attributable to disqualified CFC dividends received by such controlled foreign corporation from another controlled foreign corporation.

''(B) APPLICATION TO CORPORATIONS NOT WHOLLY OWNED BY UNITED STATES SHAREHOLDERS.—If not all of the stock of any controlled foreign corporation is owned (within the meaning of section 958(a)) by one or more United States shareholders at the time that any earnings and profits are earned, the portion of such earnings and profits which is properly attributable to stock not so owned by United States shareholders shall be treated for purposes of subparagraph (A) as earned during a period that such corporation was not a controlled foreign corporation.

''(C) TREATMENT OF DOMESTIC PARTNERSHIPS AND CERTAIN TRUSTS.—For purposes of subparagraph (B)—

''(i) a domestic partnership shall not be treated as a United States shareholder, and

''(ii) to the extent provided by the Secretary in regulations or other guidance, a trust described in section 7701(a)(30)(E) shall not be treated as a United States shareholder.

''(D) SPECIAL RULE RELATED TO CONSTRUCTIVE OWNERSHIP.—In the case of the last taxable year of a foreign corporation beginning before January 1, 2018, and each subsequent taxable year of such foreign corporation which begins before the date of the enactment of this subsection, if such foreign corporation would not have been a controlled foreign corporation for any such taxable year if section 958(b)(4) (as applicable to taxable years beginning after the date of the enactment of this subsection) had applied to such taxable year, such corporation shall not be treated as a controlled foreign corporation for such taxable year for purposes of this subsection.''.

(b) REGULATIONS.—Section 1059(h), as redesignated by subsection (a), is amended—

(1) by striking ''regulations'' both places it appears and inserting ''regulations or other guidance'', and

(2) by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) providing for the coordination of subsection (g) with the other provisions of this chapter, including section 1248.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends paid (or amounts treated as dividends) after the date of the enactment of this Act.

SEC. 138149. LIMITATION ON CERTAIN SPECIAL RULES FOR SECTION 1202 GAINS.

(a) IN GENERAL.—Section 1202(a) is amended by adding at the end the following new paragraph:

''(5) LIMITATION ON CERTAIN SPECIAL RULES.—In the case of the sale or exchange of qualified small business stock after September 13, 2021, paragraphs (3) and (4) shall not apply to any taxpayer if—

''(A) the adjusted gross income of such taxpayer (determined without regard to this section and sections 911, 931, and 933) equals or exceeds $400,000, or

''(B) such taxpayer is a trust or estate.''.

(b) EFFECTIVE DATE.—Except as provided in subsection (c), the amendment made by this section shall apply to sales and exchanges after September 13, 2021.

(c) BINDING CONTRACT EXCEPTION.—The amendment made by this section shall not apply to any sale or exchange which is made pursuant to a written binding contract which was in effect on September 13, 2021, and is not modified in any material respect thereafter.

SEC. 138150. CONSTRUCTIVE SALES.

(a) APPLICATION TO APPRECIATED DIGITAL ASSETS.—

(1) IN GENERAL.—Section 1259(b)(1) is amended by inserting ''digital asset,'' after ''debt instrument,''.

(2) EXCEPTION FOR SALES OF NONPUBLICLY TRADED PROPERTY.—Section 1259(c)(2) is amended by adding at the end the following: ''A similar rule shall apply in the case of a contract for sale of any digital asset.''.

(3) DIGITAL ASSET.—Section 1259(d) is amended by adding at the end the following new paragraph:

''(3) DIGITAL ASSET.—Except as otherwise provided by the Secretary, the term 'digital asset' means any digital representation of value which is recorded on a cryptographically secured distributed ledger or any similar technology as specified by the Secretary.''.

(b) TREATMENT OF CERTAIN CONTRACTS.—Section 1259(c)(1)(D) is amended by inserting ''or enters into a contract to acquire'' after ''acquires''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to constructive sales (determined after the application of the amendment made by subsection (b)) after the date of the enactment of this Act.

(2) TREATMENT OF CERTAIN CONTRACTS.—The amendment made by subsection (b) shall apply to contracts entered into after the date of the enactment of this Act.

SEC. 138151. RULES RELATING TO COMMON CONTROL.

(a) IN GENERAL.—Section 52 is amended by striking subsections (a) and (b) and inserting the following new subsections:

''(a) TREATMENT OF CONTROLLED GROUPS OF CORPORATIONS.—

''(1) IN GENERAL.—For purposes of this subpart, all employees of all corporations which are component members of the same controlled group of corporations shall be treated as employed by a single employer. In any such case, the credit (if any) determined under section 51(a) with respect to each such member shall be its proportionate share of the wages giving rise to such credit.

''(2) CONTROLLED GROUP OF CORPORATIONS.—For purposes of this subsection, the term 'controlled group of corporations' has the meaning given to such term by section 1563(a), except that—

''(A) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563(a)(1), and

''(B) the determination shall be made without regard to subsections (a)(4) and (e)(3)(C) of section 1563.

''(3) COMPONENT MEMBER.—For purposes of this subsection, the term 'component member' has the meaning given such term by section 1563(b), except that the determination shall be made without regard to whether such member is an excluded member (within the meaning of section 1563(b)(2)).

''(b) EMPLOYEES OF PARTNERSHIPS, PROPRIETORSHIPS, ETC., WHICH ARE UNDER COMMON CONTROL.—For purposes of this subpart, under regulations prescribed by the Secretary—

''(1) all employees of trades or business (whether or not incorporated) which are under common control shall be treated as employed by a single employer, and

''(2) the credit (if any) determined under section 51(a) with respect to each trade or business shall be its proportionate share of the wages giving rise to such credit.

The regulations prescribed under this subsection shall be based on principles similar to the principles which apply in the case of subsection (a). For purposes of this subsection, the term 'trade or business' includes any activity treated as a trade or business under paragraph (5) or (6) of section 469(c) (determined without regard to the phrase 'To the extent provided in regulations' in such paragraph (6)).''.

(b) CONFORMING AMENDMENT.—Section 1563(b)(2)(C) is amended to read as follows:

''(C) is a foreign corporation not engaged in a trade or business within the United States,''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 138152. MODIFICATION OF WASH SALE RULES.

(a) IN GENERAL.—Section 1091 is amended to read as follows:

''SEC. 1091. LOSS FROM WASH SALES OF SPECIFIED ASSETS.

''(a) DISALLOWANCE OF LOSS DEDUCTION.—In the case of any loss claimed to have been sustained from any sale or disposition (including any termination) of specified assets where it appears that, within a period beginning 30 days before the date of such sale or disposition and ending 30 days after such date, the taxpayer (or related party) has acquired (by purchase or by an exchange on which the entire amount of gain or loss was recognized by law), or has entered into, or has entered into a contract or option so to acquire or a long notional principal contract in respect of, substantially identical specified assets, then no deduction shall be allowed under section 165 unless the taxpayer is a dealer in specified assets and the loss is sustained in a transaction made in the ordinary course of such business.

''(b) AMOUNT OF SPECIFIED ASSETS DIFFERENT FROM AMOUNT OF SPECIFIED ASSETS SOLD.—If the amount of specified assets acquired (or covered by the contract or option to acquire or long notional principal contract in respect of) is different from the amount of specified assets sold or otherwise disposed of, then the particular specified assets the acquisition of which (or the contract or option to acquire or long notional principal contract which) resulted in the nondeductibility of the loss shall be determined under regulations prescribed by the Secretary.

''(c) ADJUSTMENT TO BASIS IN CASE OF WASH SALE.—If the taxpayer (or the taxpayer's spouse) acquires or enters into substantially identical specified assets during the period which—

''(1) begins 30 days before the disposition with respect to which a deduction was disallowed under subsection (a), and

''(2) ends with the close of the taxpayer's first taxable year which begins after such disposition,

the basis of such specified assets shall be increased by the amount of the deduction so disallowed (reduced by any amount of such deduction taken into account under this subsection to increase the basis of specified assets previously acquired).

''(d) CERTAIN SHORT SALES OF SPECIFIED ASSETS AND CONTRACTS TO SELL.—Rules similar to the rules of subsection (a) shall apply to any loss realized on the closing of a short sale of (or the sale, exchange, or termination of a contract or option to sell or a short notional principal contract in respect of) specified assets if, within a period beginning 30 days before the date of such closing and ending 30 days after such date—

''(1) substantially identical specified assets were sold or terminated by the taxpayer (or a related party), or

''(2) another short sale of (or contract or option to sell or short notional principal contract in respect of) substantially identical specified assets was entered into by the taxpayer (or related party).

''(e) CASH SETTLEMENT.—This section shall not fail to apply to a contract or option to acquire or sell specified assets solely by reason of the fact that the contract or option settles in (or could be settled in) cash or property other than such specified assets.

''(f) RELATED PARTY.—For purposes of this section—

''(1) IN GENERAL.—The term 'related party' means—

''(A) the taxpayer's spouse,

''(B) any dependent of the taxpayer and any other taxpayer with respect to whom the taxpayer is a dependent,

''(C) any individual, corporation, partnership, trust, or estate which controls, or is controlled by, (within the meaning of section 954(d)(3)) the taxpayer or any individual described in subparagraph (A) or (B) with respect to the taxpayer (or any combination thereof),

''(D) to the extent provided by the Secretary in regulations or other guidance, any individual who bears a relationship to the taxpayer described in section 267(b) if such taxpayer is an individual,

''(E) any individual retirement plan, Archer MSA (as defined in section 220(d)), or health savings account (as defined in section 223(d)), of the taxpayer or of any individual described in subparagraph (A) or (B) with respect to the taxpayer,

''(F) any account under a qualified tuition program described in section 529 or a Coverdell education savings account (as defined in section 530(b)) if the taxpayer, or any individual described in subparagraph (A) or (B) with respect to the taxpayer, is the designated beneficiary of such account or has the right to make any decision with respect to the investment of any amount in such account, and

''(G) any account under—

''(i) a plan described in section 401(a),

''(ii) an annuity plan described in section 403(a),

''(iii) an annuity contract described in section 403(b), or

''(iv) an eligible deferred compensation plan described in section 457(b) and maintained by an employer described in section 457(e)(1)(A),

if the taxpayer or any individual described in subparagraph (A) or (B) with respect to the taxpayer has the right to make any decision with respect to the investment of any amount in such account.

''(2) RULES FOR DETERMINING STATUS.—

''(A) RELATIONSHIPS DETERMINED AT TIME OF ACQUISITION.—Determinations under paragraph (1) shall be made as of the time of the purchase or exchange (or entering into a contract, option, or notional principal contract) referred to in subsection (a) except that determinations under subparagraphs (A) and (B) of paragraph (1) shall be made for the taxable year which includes such purchase or exchange (or entering into).

''(B) DETERMINATION OF MARITAL STATUS.—

''(i) IN GENERAL.—Except as provided in clause (ii), marital status shall be determined under section 7703.

''(ii) SPECIAL RULE FOR MARRIED INDIVIDUALS FILING SEPARATELY AND LIVING APART.—A husband and wife who—

''(I) file separate returns for any taxable year, and

''(II) live apart at all times during such taxable year,

shall not be treated as married individuals.

''(3) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary to prevent the avoidance of the purposes of this subsection, including regulations which treat persons as related parties if such persons are formed or availed of to avoid the purposes of this subsection.

''(g) SPECIFIED ASSET.—For purposes of this section, the term 'specified asset' means any of the following:

''(1) Any security described in subparagraph (A), (B), (C), (D), or (E) of section 475(c)(2).

''(2) Any foreign currency.

''(3) Any commodity described in subparagraph (A), (B), or (C) of section 475(e)(2).

''(4) Except as otherwise provided by the Secretary, any digital representation of value which is recorded on a cryptographically secured distributed ledger or any similar technology as specified by the Secretary.

Such term shall, except as provided in regulations, include contracts or options to acquire or sell, or notional principal contracts in respect of, any specified assets.

''(h) EXCEPTION FOR BUSINESS NEEDS AND HEDGING TRANSACTIONS.—Except as provided in regulations prescribed by the Secretary, subsection (a) shall not apply in the case of any sale or other disposition—

''(1) of a foreign currency or commodity described in subsection (h), and

''(2) which—

''(A) is directly related to the business needs of a trade or business of the taxpayer (other than the trade or business of trading foreign currencies or commodities described in subsection (h)), or

''(B) is part of a hedging transaction (as defined in section 1221(b)(2)).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6045(g)(2)(B) is amended—

(A) in clause (i)(I)—

(i) by striking ''security (other than stock'' and inserting ''covered security (other than stock'', and

(ii) by striking ''stock sold or transferred'' and inserting ''covered security sold or transferred'', and

(B) in clause (ii)—

(i) by striking ''stock or securities'' and inserting ''specified assets'', and

(ii) by striking ''identical securities'' and inserting ''identical specified assets (as defined in section 1091(g))''.

(2) The table of sections for part VII of subchapter O of chapter 1 is amended by striking the item relation to section 1091 and inserting the following new item:

''Sec. 1091. Loss from wash sales of specified assets.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales, dispositions, and terminations after December 31, 2021.

(d) NO INFERENCE.—Nothing in this section or the amendments made by this section shall be construed to create any inference with respect to the proper treatment of related parties under section 1091 of the Internal Revenue Code of 1986 with respect to sales, dispositions, and terminations before January 1, 2022.

SEC. 138153. RESEARCH AND EXPERIMENTAL EXPENDITURES.

(a) IN GENERAL.—Section 13206 of Public Law 115–97 is amended—

(1) in subsection (b)(3), by striking ''2021'' and inserting ''2025'', and

(2) in subsection (e), by striking ''2021'' and inserting ''2025''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

PART 2—TAX INCREASES FOR HIGH-INCOME INDIVIDUALS

SEC. 138201. APPLICATION OF NET INVESTMENT INCOME TAX TO TRADE OR BUSINESS INCOME OF CERTAIN HIGH INCOME INDIVIDUALS.

(a) IN GENERAL.—Section 1411 is amended by adding at the end the following new subsection:

''(f) APPLICATION TO CERTAIN HIGH INCOME INDIVIDUALS.—

''(1) IN GENERAL.—In the case of any individual whose modified adjusted gross income for the taxable year exceeds the high income threshold amount, subsection (a)(1) shall be applied by substituting 'the greater of specified net income or net investment income' for 'net investment income' in subparagraph (A) thereof.

''(2) PHASE-IN OF INCREASE.—The increase in the tax imposed under subsection (a)(1) by reason of the application of paragraph (1) of this subsection shall not exceed the amount which bears the same ratio to the amount of such increase (determined without regard to this paragraph) as—

''(A) the excess described in paragraph (1), bears to

''(B) $100,000 (½ such amount in the case of a married taxpayer (as defined in section 7703) filing a separate return).

''(3) HIGH INCOME THRESHOLD AMOUNT.—For purposes of this subsection, the term 'high income threshold amount' means—

''(A) except as provided in subparagraph (B) or (C), $400,000,

''(B) in the case of a taxpayer making a joint return under section 6013 or a surviving spouse (as defined in section 2(a)), $500,000, and

''(C) in the case of a married taxpayer (as defined in section 7703) filing a separate return, ½ of the dollar amount determined under subparagraph (B).

''(4) SPECIFIED NET INCOME.—For purposes of this section, the term 'specified net income' means net investment income determined—

''(A) without regard to the phrase 'other than such income which is derived in the ordinary course of a trade or business not described in paragraph (2),' in subsection (c)(1)(A)(i),

''(B) without regard to the phrase 'described in paragraph (2)' in subsection (c)(1)(A)(ii),

''(C) without regard to the phrase 'other than property held in a trade or business not described in paragraph (2)' in subsection (c)(1)(A)(iii),

''(D) without regard to paragraphs (2), (3), and (4) of subsection (c), and

''(E) by treating paragraphs (5) and (6) of section 469(c) (determined without regard to the phrase 'To the extent provided in regulations,' in such paragraph (6)) as applying for purposes of subsection (c) of this section.''.

(b) APPLICATION TO TRUSTS AND ESTATES.—Section 1411(a)(2)(A) is amended by striking ''undistributed net investment income'' and inserting ''the greater of undistributed specified net income or undistributed net investment income''.

(c) CLARIFICATIONS WITH RESPECT TO DETERMINATION OF NET INVESTMENT INCOME.—

(1) CERTAIN EXCEPTIONS.—Section 1411(c)(6) is amended to read as follows:

''(6) SPECIAL RULES.—Net investment income shall not include—

''(A) any item taken into account in determining self-employment income for such taxable year on which a tax is imposed by section 1401(b),

''(B) wages received with respect to employment on which a tax is imposed under section 3101(b) or 3201(a) (including amounts taken into account under section 3121(v)(2)), and

''(C) wages received from the performance of services earned outside the United States for a foreign employer.''.

(2) NET OPERATING LOSSES NOT TAKEN INTO ACCOUNT.—Section 1411(c)(1)(B) is amended by inserting ''(other than section 172)'' after ''this subtitle''.

(3) INCLUSION OF CERTAIN FOREIGN INCOME.—

(A) IN GENERAL.—Section 1411(c)(1)(A) is amended by striking ''and'' at the end of clause (ii), by striking ''over'' at the end of clause (iii) and inserting ''and'', and by adding at the end the following new clause:

''(iv) any amount includible in gross income under section 951, 951A, 1293, or 1296, over''.

(B) PROPER TREATMENT OF CERTAIN PREVIOUSLY TAXED INCOME.—Section 1411(c) is amended by adding at the end the following new paragraph:

''(7) CERTAIN PREVIOUSLY TAXED INCOME.—The Secretary shall issue regulations or other guidance providing for the treatment of—

''(A) distributions of amounts previously included in gross income for purposes of chapter 1 but not previously subject to tax under this section, and

''(B) distributions described in section 962(d).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

(e) TRANSITION RULE.—The regulations or other guidance issued by the Secretary under section 1411(c)(7) of the Internal Revenue Code of 1986 (as added by this section) shall include provisions which provide for the proper coordination and application of clauses (i) and (iv) of section 1411(c)(1)(A) with respect to—

(1) taxable years beginning on or before December 31, 2021, and

(2) taxable years beginning after such date.

SEC. 138202. LIMITATIONS ON EXCESS BUSINESS LOSSES OF NONCORPORATE TAXPAYERS.

(a) LIMITATION MADE PERMANENT.—

(1) IN GENERAL.—Section 461(l)(1) is amended to read as follows:

''(1) LIMITATION.—In the case of any taxpayer other than a corporation, any excess business loss of the taxpayer for the taxable year shall not be allowed.''.

(2) CONFORMING AMENDMENT.—Section 461 is amended by striking subsection (j).

(b) MODIFICATION OF CARRYOVER OF DISALLOWED LOSSES.—Section 461(l)(2) is amended to read as follows:

''(2) DISALLOWED LOSS CARRYOVER.—Any loss which is disallowed under paragraph (1) for any taxable year shall be treated (solely for purposes of this chapter) as a deduction described in paragraph (3)(A)(i) for the next taxable year.''.

(c) TREATMENT OF UNUSED EXCESS BUSINESS LOSS CARRYOVERS ON TERMINATION OF ESTATE OR TRUST.—Section 461(l) is amended by adding at the end the following new paragraph:

''(7) SPECIAL RULE FOR TERMINATION OF ESTATE OR TRUST.—If, on the termination of an estate or trust, the estate or trust has an excess business loss carryover, then such carryover or such excess shall be allowed as a deduction, in accordance with regulations prescribed by the Secretary, to the beneficiaries succeeding to the property of the estate or trust.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2020.

SEC. 138203. SURCHARGE ON HIGH INCOME INDIVIDUALS, ESTATES, AND TRUSTS.

(a) IN GENERAL.—Part I of subchapter A of chapter 1 is amended by inserting after section 1 the following new section:

''SEC. 1A. SURCHARGE ON HIGH INCOME INDIVIDUALS, ESTATES, AND TRUSTS.

''(a) GENERAL RULE.—In the case of a taxpayer other than a corporation, there is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to the sum of—

''(1) 5 percent of so much of the modified adjusted gross income of the taxpayer as exceeds—

''(A) $10,000,000, in the case of any taxpayer not described in subparagraph (B) or (C),

''(B) $5,000,000, in the case of a married individual filing a separate return, and

''(C) $200,000, in the case of an estate or trust, plus

''(2) 3 percent of so much of the modified adjusted gross income of the taxpayer as exceeds—

''(A) $25,000,000, in the case of any taxpayer not described in subparagraph (B) or (C),

''(B) $12,500,000, in the case of a married individual filing a separate return, and

''(C) $500,000, in the case of an estate or trust.

''(b) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this section, the term 'modified adjusted gross income' means adjusted gross income reduced by any deduction (not taken into account in determining adjusted gross income) allowed for investment interest (as defined in section 163(d)) or business interest (as defined in section 163(j)). In the case of an estate or trust, adjusted gross income shall be determined as provided in section 67(e), and reduced by the amount allowed as a deduction under section 642(c).

''(c) SPECIAL RULES.—

''(1) NONRESIDENT ALIEN.—In the case of a nonresident alien individual (other than an individual described in section 876(a) or 877(a)), only amounts taken into account in connection with the tax imposed under section 871(b) shall be taken into account under this section.

''(2) CITIZENS AND RESIDENTS LIVING ABROAD.—Each dollar amount which is applicable to any taxpayer under subsection (a) shall be decreased (but not below zero) by the excess (if any) of—

''(A) the amounts excluded from the taxpayer's gross income under section 911, over

''(B) the amounts of any deductions or exclusions disallowed under section 911(d)(6) with respect to the amounts described in subparagraph (A).

''(3) CHARITABLE TRUSTS.—Subsection (a) shall not apply to a trust all the unexpired interests in which are devoted to one or more of the purposes described in section 170(c)(2)(B).

''(4) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter (other than sections 27 and 901) or for purposes of section 55.

''(5) ELECTING SMALL BUSINESS TRUSTS.—For purposes of the determination of adjusted gross income, section 641(c)(1)(A) shall not apply and all portions of any electing small business trust shall be treated as a single trust.

''(d) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations or other guidance to prevent the avoidance of the purposes of this section.''.

(b) COORDINATION WITH CERTAIN PROVISIONS.—

(1) INTEREST ON CERTAIN DEFERRED TAX LIABILITY.—Section 453A(c) is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

''(6) SURCHARGE ON HIGH INCOME INDIVIDUALS TAKEN INTO ACCOUNT IN DETERMINING MAXIMUM RATE OF TAX.—For purposes of paragraph (3)(B), the maximum rate of tax in effect under section 1 shall be treated as being equal to the sum of such rate and the rates in effect under paragraphs (1) and (2) of section 1A(a).''.

(2) ALIEN RESIDENTS OF PUERTO RICO, GUAM, AMERICAN SAMOA, OR THE NORTHERN MARIANA ISLANDS.—Section 876(a) is amended by striking section 1 and inserting ''sections 1 and 1A''.

(3) EXPATRIATION TO AVOID TAX.—Section 877(b) is amended by inserting ''and section 1A'' after ''section 1 or 55''.

(4) LIMITATION ON FOREIGN TAX CREDIT.—

(A) Section 904(b)(3)(E)(i)(I) is amended by inserting ''increased by the sum of the rates set forth in paragraphs (1) and (2) of section 1A(a)'' after ''(whichever applies)''.

(B) Section 904(d)(2)(F) is amended by adding at the end the following: ''For purposes of the first sentence of this subparagraph, the highest rate of tax specified in section 1 shall be treated as being equal to the sum of such rate and the rates in effect under paragraphs (1) and (2) of section 1A(a).''.

(5) ELECTION BY INDIVIDUALS TO BE SUBJECT TO TAX AT CORPORATE RATES.—Section 962(a)(1) is amended by inserting '', 1A,'' after ''sections 1''.

(6) INTEREST ON CERTAIN TAX DEFERRAL.—Section 1291(c)(2) is amended by adding at the end the following: ''For purposes of the preceding sentence, the highest rate of tax in effect under section 1 shall be treated as being equal to the sum of such rate and the rates in effect under paragraphs (1) and (2) of section 1A(a).''.

(7) AVERAGING OF FARM INCOME.—Section 1301(a) is amended by striking ''section 1'' both places it appears and inserting ''sections 1 and 1A''.

(8) TITLE 11 CASES.—Section 1398(c)(2) is amended by inserting ''and tax shall be imposed under section 1A by treating the estate as a married individual filing a separate return'' before the period at the end.

(9) WITHHOLDING OF TAX ON FOREIGN PARTNERS' SHARE OF EFFECTIVELY CONNECTED INCOME.—Section 1446(b)(2) is amended by adding at the end the following flush sentence:

''For purposes of subparagraph (A), the highest rate of tax in effect under section 1 shall be treated as being equal to the sum of such rate and the rates in effect under paragraphs (1) and (2) of section 1A(a).''.

(10) RELIEF FROM JOINT AND SEVERAL LIABILITY ON JOINT RETURN.—Section 6015(d)(2)(B) is amended by inserting '', 1A,'' after ''section 1''.

(11) PARTNERSHIP ADJUSTMENTS.—

(A) Section 6225(b)(1) is amended by adding at the end the following flush sentence:

''For purposes of subparagraph (B), the highest rate of tax in effect under section 1 shall be treated as being equal to the sum of such rate and the rates in effect under paragraphs (1) and (2) of section 1A(a).''.

(B) Section 6225(c)(4)(A) is amended—

(i) by striking ''subsection (b)(1)(A)'' and inserting ''subsection (b)(1)(B)'', and

(ii) by striking ''or'' at the end of clause (i), by adding ''or'' at the end of clause (ii), and by inserting after clause (ii) the following new clause:

''(iii) is not an individual subject to one or both of the rates of tax in effect under paragraphs (1) and (2) of section 1A(a),''.

(12) REQUIRED PAYMENTS FOR ENTITIES ELECTING NOT TO HAVE REQUIRED TAXABLE YEAR.—Section 7519(b) is amended by inserting ''and increased by the sum of the rates in effect under paragraphs (1) and (2) of section 1A(a)'' before the period at the end.

(c) CLERICAL AMENDMENT.—The table of sections for part I of subchapter A of chapter 1 is amended by inserting after the item relating to section 1 the following new item:

''Sec. 1A. Surcharge on high income individuals.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

PART 3—MODIFICATIONS OF RULES RELATING TO RETIREMENT PLANS

Subpart A—Limitations on High-income Taxpayers With Large Retirement Account Balances

SEC. 138301. CONTRIBUTION LIMIT FOR INDIVIDUAL RETIREMENT PLANS OF HIGH-INCOME TAXPAYERS WITH LARGE ACCOUNT BALANCES.

(a) CONTRIBUTION LIMIT.—

(1) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 is amended by adding at the end the following:

''SEC. 409B. CONTRIBUTION LIMIT ON INDIVIDUAL RETIREMENT PLANS OF HIGH-INCOME TAXPAYERS WITH LARGE ACCOUNT BALANCES.

''(a) GENERAL RULE.—Notwithstanding any other provision of this title, in the case of an individual who is an applicable taxpayer for any taxable year, no annual additions for such taxable year shall be made by, or on behalf of, such individual to any individual retirement plan to the extent such annual additions exceed the excess (if any) of—

''(1) the applicable dollar amount for such taxable year, over

''(2) the aggregate vested balances to the credit of the individual (whether as a participant, owner, or beneficiary) in all applicable retirement plans (determined as of the close of the calendar year preceding the calendar year in which such taxable year begins).

''(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) ANNUAL ADDITION.—

''(A) IN GENERAL.—Except as provided in this paragraph, the term 'annual addition' means

any contribution to an individual retirement plan.

''(B) CONTRIBUTIONS TO SEP AND SIMPLE PLANS.—In the case of any employer or employee contributions by, or on behalf of, an individual to a simplified employee pension under section 408(k) or a simple retirement account under section 408(p)—

''(i) such contributions shall not be treated as annual additions for purposes of applying the limitation under subsection (a), but

''(ii) the excess described in subsection (a) shall be reduced by the amount of such contributions in applying such limitation to other annual additions with respect to such individual.

''(C) ROLLOVER CONTRIBUTIONS DISREGARDED.—A rollover contribution under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16) shall not be treated as an annual addition.

''(D) ACCOUNTS ACQUIRED BY DEATH OR DIVORCE OR SEPARATION.—The acquisition of an individual retirement plan (or the transfer to or contribution of amounts to an individual retirement plan) by reason of—

''(i) the death of another individual, or

''(ii) divorce or separation (pursuant to section 408(d)(6)),

shall not be treated as an annual addition.

''(2) APPLICABLE DOLLAR AMOUNT.—The term 'applicable dollar amount' means $10,000,000.

''(3) APPLICABLE RETIREMENT PLAN.—The term 'applicable retirement plan' means—

''(A) a defined contribution plan to which section 401(a) or 403(a) applies,

''(B) an annuity contract under section 403(b),

''(C) an eligible deferred compensation plan described in section 457(b) which is maintained by an eligible employer described in section 457(e)(1)(A), or

''(D) an individual retirement plan.

''(4) APPLICABLE TAXPAYER.—

''(A) IN GENERAL.—The term 'applicable taxpayer' means, with respect to any taxable year, a taxpayer whose modified adjusted gross income for such taxable year exceeds the amount determined under subparagraph (B).

''(B) DOLLAR LIMIT.—The amount determined under this subparagraph for any taxable year is—

''(i) $400,000 for an individual who is a taxpayer not described in clause (ii) or (iii),

''(ii) $425,000 in the case of an individual who is a head of household (as defined in section 2(b)), and

''(iii) $450,000 in the case of an individual who is a married individual filing a joint return or a surviving spouse (as defined in section 2(a)).

''(C) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'modified adjusted gross income' means adjusted gross income determined without regard to sections 911, 931, and 933, without regard to any deduction for annual additions to individual retirement plans to which subsection (a) applies, and without regard to any increase in minimum required distributions by reason of section 4974(e).

''(5) ADJUSTMENTS FOR INFLATION.—

''(A) IN GENERAL.—In the case of any taxable year beginning after 2029, the dollar amounts in paragraphs (2) and (4)(B) shall be increased by an amount equal to the product of—

''(i) such dollar amount, and

''(ii) the cost-of-living adjustment under section 1(f)(3) for the calendar year in which such taxable year begins, determined by substituting 'calendar year 2028' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not—

''(i) in the case of the dollar amount under paragraph (2), a multiple of $250,000, such amount shall be rounded to the next lowest multiple of $250,000.

''(ii) in the case of a dollar amount under paragraph (4)(B), a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $1,000.

''(c) REGULATIONS.—The Secretary shall prescribe such regulations and guidance as are necessary or appropriate to carry out the purposes of this section, including regulations or guidance that provide for the application of this section and section 4974(e) in the case of plans with a valuation date other than the last day of a calendar year.''.

(2) CONFORMING AMENDMENTS.—

(A) The table of contents for subpart A of part I of subchapter D of chapter 1 is amended by adding after the item relating to section 409A the following new item:

''Sec. 409B. Contribution limit on individual retirement plans of high-income taxpayers with large account balances.''.

(B) Section 408(r) is amended by adding at the end the following new paragraph:

''(3) For additional limitations on contributions to individual retirement plans with large account balances, see sections 408A(e)(3) and 409B.''.

(b) EXCISE TAX ON EXCESS ANNUAL ADDITIONS.—

(1) IN GENERAL.—Section 4973 is amended by adding at the end the following new subsection:

''(i) SPECIAL RULE FOR INDIVIDUAL RETIREMENT PLANS WITH EXCESS ANNUAL ADDITIONS.—For purposes of this section, in the case of individual retirement plans, the term 'excess contributions', with respect to any taxable year, is increased by the sum of—

''(1) the excess of the annual additions (within the meaning of section 409B(b)(1)) to such plans over the limitation under section 409B(a) for such taxable year, reduced by the amount of any excess contributions determined under subsections (b) and (f), and

''(2) the lesser of—

''(A) the amount determined under this subsection for the preceding taxable year with respect to such plans, reduced by the aggregate distributions from such plans for the taxable year (including distributions required under section 4974(e)) to the extent not contributed in a rollover contribution to another eligible retirement plan in accordance with section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), and 457(e)(16), or

''(B) the amount (if any) by which the amount determined under section 409B(a)(2) for the taxable year exceeds the applicable dollar amount under section 409B(b)(2) for the taxable year.''.

(2) CONFORMING AMENDMENTS.—Subsections (b) and (f) of section 4973 are each amended by inserting '', except as further provided in subsection (i)'' after ''For purposes of this section''.

(c) REPORTING REQUIREMENTS.—Section 6057(a) is amended by adding at the end the following:

''(3) ADDITIONAL INFORMATION REGARDING HIGH ACCOUNT BALANCES.—

''(A) IN GENERAL.—If, as of the close of any plan year, 1 or more participants or beneficiaries in an applicable retirement plan (as defined in section 409B(b)(3) without regard to subparagraph (D) thereof) have a vested account balance of at least $2,500,000, the plan administrator shall file a statement with the Secretary, within the period described in paragraph (1), which includes—

''(i) the name and identifying number of each such participant (without regard to whether such participant has separated from employment) or beneficiaries,

''(ii) the amount of the vested account balance of each such participant or beneficiary, and

''(iii) a separate accounting of such vested account balances in designated Roth accounts (within the meaning of section 402A) and all other vested account balances.

''(B) INCLUSION IN REGISTRATION STATEMENT.—If both subparagraph (A) and paragraph (1) apply to a plan, the plan administrator shall include the information required under subparagraph (A) in the registration statement under paragraph (1) rather than file a statement under subparagraph (A).

''(C) ADJUSTMENTS FOR INFLATION.—In the case of any plan year beginning after 2029, the $2,500,000 amount under subparagraph (A) shall be increased by an amount equal to the product of—

''(i) such dollar amount, and

''(ii) the cost-of-living adjustment under section 1(f)(3) for the calendar year in which such taxable year begins, determined by substituting 'calendar year 2028' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

If the amount as adjusted under the preceding sentence is not a multiple of $250,000, such amount shall be rounded to the next lowest multiple of $250,000.''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 2028.

(2) PLAN REQUIREMENTS.—The amendments made by subsection (c) shall apply to plan years beginning after December 31, 2028.

SEC. 138302. INCREASE IN MINIMUM REQUIRED DISTRIBUTIONS FOR HIGH-INCOME TAXPAYERS WITH LARGE RETIREMENT ACCOUNT BALANCES.

(a) IN GENERAL.—Section 4974 is amended by adding at the end the following:

''(e) INCREASE IN MINIMUM REQUIRED DISTRIBUTIONS FOR HIGH-INCOME TAXPAYERS WITH LARGE AGGREGATE ACCOUNT BALANCES.—

''(1) IN GENERAL.—If this subsection applies to a payee who is an applicable taxpayer (as defined in section 409B(b)(4)) for a taxable year—

''(A) all qualified retirement plans and eligible deferred compensation plans of the payee which are applicable retirement plans taken into account in computing the excess described in paragraph (3)(A) shall be treated as 1 plan solely for purposes of applying this section to the increase in minimum required distributions for such taxable year determined under subparagraph (B), and

''(B) the minimum required distributions under this section for all plans treated as 1 plan under subparagraph (A) with respect to such payee for such taxable year shall be increased by the excess (if any) of—

''(i) the sum of—

''(I) if paragraph (2) applies to such taxable year, the applicable Roth excess amount, plus

''(II) 50 percent of the excess determined under paragraph (3)(A), reduced by the applicable Roth excess amount, over

''(ii) the sum of the minimum required distributions (determined without regard to this subsection) for all such plans.

''(2) APPLICABLE ROTH EXCESS AMOUNT.—

''(A) APPLICATION.—For purposes of paragraph (1)(B)(i), this paragraph applies to a taxable year of a payee if the aggregate vested balances to the credit of the payee (whether as a participant, owner, or beneficiary) in all applicable retirement plans (determined as of the close of the calendar year preceding the calendar year in which the taxable year begins) exceed 200 percent of the applicable dollar amount for the calendar year in which the taxable year begins.

''(B) APPLICABLE ROTH EXCESS AMOUNT.—The applicable Roth excess amount for any taxable year to which this paragraph applies is an amount equal to the lesser of—

''(i) the excess determined under subparagraph (A), or

''(ii) the aggregate balances to the credit of the payee (whether as a participant, owner, or beneficiary) in all Roth IRAs and designated Roth accounts (within the meaning of section 402A) as of the time described in subparagraph (A).

''(3) APPLICATION.—This subsection shall apply to a payee for a taxable year—

''(A) if the aggregate vested balances to the credit of the payee (whether as a participant,

owner, or beneficiary) in all applicable retirement plans (determined as of the close of the calendar year preceding the calendar year in which the taxable year begins) exceed the applicable dollar amount for the calendar year in which the taxable year begins, and

''(B) without regard to whether amounts with respect to the payee are otherwise required to be distributed under section 401(a)(9), 403(b)(10), 408(a)(6), 408(b)(3), or 457(d)(2).

''(4) COORDINATION AND ALLOCATION.—

''(A) MINIMUM DISTRIBUTION REQUIREMENTS.—If this subsection applies to a payee for any taxable year—

''(i) this section shall apply first to minimum required distributions determined without regard to this subsection and then to any increase in minimum required distributions by reason of this subsection, and

''(ii) nothing in this subsection shall be construed to affect the amount of any minimum required distribution determined without regard to this subsection or the plan or plans from which it is required to be distributed.

''(B) ALLOCATION OF INCREASE IN MINIMUM REQUIRED DISTRIBUTIONS.—

''(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the taxpayer may, in such form and manner as the Secretary may prescribe, allocate any increase in minimum required distributions by reason of this subsection to applicable retirement plans treated as 1 plan under subparagraph (A) in such manner as the taxpayer chooses.

''(ii) ALLOCATION TO ROTH IRAS AND ACCOUNTS.—In the case of a taxable year to which paragraph (2) applies, the portion of any increase in minimum required distributions by reason of this subsection equal to the applicable Roth excess amount shall be allocated first to Roth IRAs and then to designated Roth accounts (within the meaning of section 402A) of the payee.

''(iii) SPECIAL RULES FOR EMPLOYEE STOCK OWNERSHIP PLANS.—

''(I) IN GENERAL.—In the case of a payee to which this subsection applies for any taxable year who has account balances in 1 or more employee stock ownership plans (as defined in section 4975(e)(7)) any portion of which is invested in employer securities which are not readily tradable on an established securities market, the increase in minimum required distributions by reason of this subsection shall not be allocated to any such portion.

''(II) EXCEPTION FOR AMOUNTS ATTRIBUTABLE TO ROLLOVER.—Subclause (I) shall not apply to so much of any account balance as is attributable to a rollover contribution after the date of the enactment of this subsection to the account in accordance with section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16).

''(5) DISTRIBUTIONS NOT ELIGIBLE FOR ROLLOVERS.—For purposes of determining whether a distribution is an eligible rollover distribution, any distribution from an applicable retirement plan which is attributable to any increase in minimum required distributions by reason of this subsection shall be treated as a distribution required under section 401(a)(9), 403(b)(10), 408(a)(6), 408(b)(3), or 457(d)(2), whichever is applicable.

''(6) ROTH DISTRIBUTIONS TREATED AS QUALIFIED DISTRIBUTIONS.—In the case of any distribution from a Roth IRA, or designated Roth account (within the meaning of section 402A), of the payee by reason of the allocation of an increase in minimum required distributions under this subsection, such distribution shall be treated as a qualified distribution under section 408A(d)(2) or 402A(d)(2), as the case may be.

''(7) DEFINITIONS.—For purposes of this subsection, any term used in this subsection which is also used in section 409B shall have the same meaning as when such term is used in such section.''.

(b) SPECIAL RULES.—

(1) DISTRIBUTION RIGHTS.—

(A) QUALIFIED TRUSTS.—

(i) IN GENERAL.—Section 401(a) is amended by inserting after paragraph (38) the following new paragraph:

''(39) IMMEDIATE DISTRIBUTION RIGHT.—A trust forming part of a defined contribution plan shall not constitute a qualified trust under this section unless an employee who certifies to the plan that the employee is a taxpayer who is subject to the distribution requirements of section 4974(e) may elect to receive a distribution from the employee's account balance under the plan in such amount as the employee may elect, including any amounts attributable to a qualified cash or deferred arrangement (as defined in subsection (k)(2)). The preceding sentence shall not apply in the case of any portion of an account balance to which section 4974(e)(4)(B)(iii)(I) applies.''.

(ii) APPLICATION TO EMPLOYEE'S ANNUITIES.—Section 404(a)(2) is amended by striking ''and (37)'' and inserting ''(37), and (39)''.

(B) ANNUITY CONTRACTS.—

(i) CUSTODIAL ACCOUNTS.—Section 403(b)(7)(A) is amended by adding at the end the following new flush sentence:

''Notwithstanding clause (i), the custodial account shall permit an employee who certifies that the employee is a taxpayer who is subject to the distribution requirements of section 4974(e) to elect to receive a distribution from the employee's custodial account in such amount as the employee may elect.''.

(ii) ANNUITY CONTRACTS.—Section 403(b)(11) is amended by adding at the end the following new sentence: ''Notwithstanding subparagraphs (A), (B), (C), and (D), the annuity contract shall permit an employee who certifies that the employee is a taxpayer who is subject to the distribution requirements of section 4974(e) to elect to receive a distribution of contributions made pursuant to a salary reduction agreement (within the meaning of section 402(g)(3)) from the employee's annuity contract in such amount as the employee may elect.''

(C) GOVERNMENTAL PLANS.—Section 457(d)(1) is amended by adding at the end the following new flush sentence:

''Notwithstanding subparagraph (A), an eligible deferred compensation plan of an employer described in subsection (e)(1)(A) shall permit a participant or beneficiary who certifies that the participant or beneficiary is a taxpayer who is subject to the distribution requirements of section 4974(e) to elect to receive a distribution from the plan in such amount as the participant or beneficiary may elect.''.

(2) EXCEPTION FROM 10 PERCENT ADDITIONAL TAX ON EARLY DISTRIBUTIONS.—Section 72(t)(2) is amended by adding at the end the following new subparagraph:

''(I) DISTRIBUTIONS OF EXCESS BALANCES.—Distributions from an applicable retirement plan (within the meaning of section 409B)) to the extent such distributions for the taxable year do not exceed the amount required to be distributed from such plan under section 4974(e).''.

(3) WITHHOLDING.—Section 3405(b) is amended by adding at the end the following new paragraph:

''(3) ADDITIONAL WITHHOLDING FOR REQUIRED DISTRIBUTIONS FROM HIGH BALANCE RETIREMENT ACCOUNTS.—

''(A) IN GENERAL.—For purposes of this section, a distribution pursuant to section 401(a)(39), the last sentence of section 403(b)(7)(A), the last sentence of section 403(b)(11), and the last sentence of section 457(d)(1) shall be treated as a nonperiodic distribution, except that in applying this subsection to such distribution—

''(i) paragraph (1) shall be applied by substituting '35 percent' for '10 percent', and

''(ii) no election may be made under paragraph (2) with respect to such distribution.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to any qualified distribution from a designated Roth account (within the meaning of section 402A).''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2028.

(2) PLAN REQUIREMENTS.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2028.

Subpart B—Other Provisions Relating to Individual Retirement Plans

SEC. 138311. TAX TREATMENT OF ROLLOVERS TO ROTH IRAS AND ACCOUNTS.

(a) ROLLOVERS AND CONVERSIONS LIMITED TO TAXABLE AMOUNTS.—

(1) ROTH IRAS.—

(A) IN GENERAL.—Paragraph (1) of section 408A(e) is amended by adding at the end the following new sentence: ''A qualified rollover contribution shall not include any rollover contribution from any eligible retirement plan described in subparagraph (B) (other than from a designated Roth account (within the meaning of section 402A)) if any portion of the distribution from which such contribution is made would (without regard to such contribution) be treated as not includible in gross income.''

(B) CONVERSIONS.—Subparagraph (C) of section 408A(d)(3) is amended by adding at the end the following new sentence: ''This subparagraph shall not apply if any portion of the plan being converted would be treated as not includible in gross income if distributed at the time of the conversion.''

(2) DESIGNATED ROTH ACCOUNTS.—Section 402A(c)(4)(B) is amended by inserting '', determined after the application of the last sentence of paragraph (1) thereof'' after ''section 408A(e)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to distributions, transfers, and contributions made after December 31, 2021.

(b) NO ROLLOVERS OR CONVERSIONS FOR HIGH-INCOME TAXPAYERS.—

(1) ROTH IRAS.—

(A) QUALIFIED ROLLOVER CONTRIBUTION.—Section 408A(e), as amended by subsection (a), is amended by adding at the end the following:

''(3) HIGH-INCOME TAXPAYERS MAY ONLY ROLLOVER FROM ROTH IRAS AND ACCOUNTS.—If—

''(A) a taxpayer is an applicable taxpayer (as defined in section 409B(b)(4)) for the taxable year in which a distribution is made, and

''(B) such distribution is contributed to a Roth IRA in a rollover contribution,

such contribution shall be treated as a qualified rollover contribution under paragraph (1) only if it is made from another Roth IRA or from a designated Roth account (within the meaning of section 402A).''.

(B) ELIMINATION OF CONVERSIONS.—Paragraph (3) of section 408A(d), as amended by subsection (a), is amended by adding at the end the following:

''(G) PARAGRAPH NOT TO APPLY TO HIGH-INCOME TAXPAYERS.—If a taxpayer is an applicable taxpayer (as defined in section 409B(b)(4)) for any taxable year, this paragraph shall not apply to any distribution to which this paragraph otherwise applies (or to any conversion described in subparagraph (C)) which is made during such taxable year.''.

(2) DESIGNATED ROTH ACCOUNTS.—Paragraph (4) of section 402A(c) is amended by adding at the end the following:

''(F) PARAGRAPH NOT TO APPLY TO HIGH-INCOME TAXPAYERS.—If a taxpayer is an applicable taxpayer (as defined in section 409B(b)(4)) for any taxable year, this paragraph shall not apply to any distribution to which this paragraph otherwise applies and which is made during such taxable year.''.

(3) CONFORMING AMENDMENT.—Section 409B(b)(4)(C), as added by this Act, is amended—

(A) by striking ''and without regard to'' and inserting ''without regard to'', and

(B) by inserting before the period at the end the following: '', and without regard to the inclusion in gross income of any converted or contributed amount described in section 408A(e)(3), 408A(d)(3)(G), or 402A(c)(4)(F).''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to distributions, transfers, and contributions made in taxable years beginning after December 31, 2031.

SEC. 138312. STATUTE OF LIMITATIONS WITH RESPECT TO IRA NONCOMPLIANCE.

(a) IN GENERAL.—Subsection (c) of section 6501 is amended by adding at the end the following new paragraph:

''(13) NONCOMPLIANCE RELATING TO AN INDIVIDUAL RETIREMENT PLAN.—

''(A) MISREPORTING.—In the case of any substantial error (willful or otherwise) in the reporting on a return of any information relating to the valuation of investment assets with respect to an individual retirement plan, the time for assessment of any tax imposed by this title with respect to such plan shall not expire before the date which is 6 years after the return containing such error was filed (whether or not such return was filed on or after the date prescribed).

''(B) PROHIBITED TRANSACTIONS.—The time for assessment of any tax imposed by section 4975 shall not expire before the date which is 6 years after the return was filed (whether or not such return was filed on or after the date prescribed).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxes with respect to which the 3-year period under section 6501(a) of the Internal Revenue Code of 1986 (without regard to the amendment made by this section) ends after December 31, 2021.

SEC. 138313. IRA OWNERS TREATED AS DISQUALIFIED PERSONS FOR PURPOSES OF PROHIBITED TRANSACTION RULES.

(a) IN GENERAL.—Paragraph (2) of section 4975(e) is amended—

(1) by striking ''or'' at the end of subparagraph (H),

(2) by striking the period at the end of subparagraph (I) and inserting ''; or'',

(3) by inserting after subparagraph (I) the following new subparagraph:

''(J) the individual for whose benefit a plan described in subparagraph (B) or (C) of paragraph (1) is maintained.'',

(4) by striking ''or (E)'' both places it appears in subparagraphs (F) and (G) and inserting ''(E), or (J) (in the case of a plan described in subparagraph (B) or (C) of paragraph (1))'',

(5) by striking ''or (G)'' in subparagraph (I) and inserting ''(G), or (J) (in the case of a plan described in subparagraph (B) or (C) of paragraph (1))'', and

(6) by adding at the end the following: ''For purposes of subparagraphs (G) and (I), any asset or interest held by a plan described in subparagraph (B) or (C) of paragraph (1) shall be treated as owned by the individual described in subparagraph (J) with respect to such plan.''.

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 408(e)(2) is amended to read as follows:

''(A) EMPLOYEE ENGAGING IN PROHIBITED TRANSACTION.—If, during any taxable year of the individual for whose benefit any individual retirement account is maintained, that individual engages in any transaction prohibited by section 4975 with respect to such account, such account ceases to be an individual retirement account as of the first day of such taxable year. For purposes of this paragraph, the separate account for the benefit of any individual within an individual retirement account maintained by an employer or association of employees is treated as a separate individual retirement account.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions occurring after December 31, 2021.

PART 4—FUNDING THE INTERNAL REVENUE SERVICE AND IMPROVING TAXPAYER COMPLIANCE

SEC. 138401. ENHANCEMENT OF INTERNAL REVENUE SERVICE RESOURCES.

(a) APPROPRIATIONS.—

(1) IN GENERAL.—The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2022:

(A) INTERNAL REVENUE SERVICE.—

(i) IN GENERAL.—

(I) TAXPAYER SERVICES.—For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,931,500,000, to remain available until September 30, 2031: Provided, That these amounts shall be in addition to amounts otherwise available for such purposes.

(II) ENFORCEMENT.—For necessary expenses for tax enforcement activities of the Internal Revenue Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations (including investigative technology), to provide digital asset monitoring and compliance activities, to enforce criminal statutes related to violations of internal revenue laws and other financial crimes, to purchase and hire passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $44,887,500,000, to remain available until September 30, 2031: Provided, That these amounts shall be in addition to amounts otherwise available for such purposes.

(III) OPERATIONS SUPPORT.—For necessary expenses of the Internal Revenue Service to support taxpayer services and enforcement programs, including rent payments; facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics of income; telecommunications; information technology development, enhancement, operations, maintenance, and security; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); the operations of the Internal Revenue Service Oversight Board; and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $27,376,300,000, to remain available until September 30, 2031: Provided, That these amounts shall be in addition to amounts otherwise available for such purposes.

(IV) BUSINESS SYSTEMS MODERNIZATION.—For necessary expenses of the Internal Revenue Service's business systems modernization program, including development of callback technology and other technology to provide a more personalized customer service but not including the operation and maintenance of legacy systems, $4,750,700,000, to remain available until September 30, 2031: Provided, That these amounts shall be in addition to amounts otherwise available for such purposes.

(ii) TASK FORCE TO DESIGN AN IRS-RUN FREE ''DIRECT EFILE'' TAX RETURN SYSTEM.—For necessary expenses of the Internal Revenue Service to deliver to Congress, within nine months following the date of the enactment of this Act, a report on (I) the cost (including options for differential coverage based on taxpayer adjusted gross income and return complexity) of developing and running a free direct efile tax return system, including costs to build and administer each release, with a focus on multi-lingual and mobile-friendly features and safeguards for taxpayer data; (II) taxpayer opinions, expectations, and level of trust, based on surveys, for such a free direct efile system; and (III) the opinions of an independent third-party on the overall feasibility, approach, schedule, cost, organizational design, and Internal Revenue Service capacity to deliver such a direct efile tax return system, $15,000,000, to remain available until September 30, 2022: Provided, That these amounts shall be in addition to amounts otherwise available for such purposes.

(B) TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.—For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration, $403,000,000, to remain available until September 30, 2031: Provided, That these amounts shall be in addition to amounts otherwise available for such purposes.

(C) OFFICE OF TAX POLICY.—For necessary expenses of the Office of Tax Policy of the Department of the Treasury to carry out functions related to promulgating regulations under the Internal Revenue Code of 1986, $104,533,803, to remain available until September 30, 2031: Provided, That these amounts shall be in addition to amounts otherwise available for such purposes.

(D) UNITED STATES TAX COURT.—For necessary expenses of the United States Tax Court, including contract reporting and other services as authorized by 5 U.S.C. 3109; $153,000,000, to remain available until September 30, 2031: Provided, That these amounts shall be in addition to amounts otherwise available for such purposes.

(2) MULTI-YEAR OPERATIONAL PLAN.—

(A) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Commissioner of Internal Revenue shall submit to Congress a plan detailing how the funds appropriated under paragraph (1)(A)(i) will be spent over the ten-year period ending with fiscal year 2031.

(B) QUARTERLY UPDATES.—

(i) IN GENERAL.—Not later than the last day of each calendar quarter beginning during the applicable period, the Commissioner of Internal Revenue shall submit to Congress a report on the plan established under subparagraph (A), including—

(I) any updates to the plan;

(II) progress made in implementing the plan; and

(III) any changes in circumstances or challenges in implementing the plan.

(ii) APPLICABLE PERIOD.—For purposes of clause (i), the applicable period is the period beginning 1 year after the date the report under subparagraph (A) is due and ending on September 30, 2031.

(C) REDUCTION IN APPROPRIATION.—

(i) IN GENERAL.—In the case of any failure to submit a plan required under subparagraph (A) or a report required under subparagraph (B) by the required date, the amounts made available under paragraph (1)(A)(i) shall be reduced by $100,000 for each day after such required date that report has not been submitted to Congress.

(ii) REQUIRED DATE.—For purposes of clause (i), the required date is the date that is 60 days after the date the plan or report is required to be submitted under subparagraph (A) or (B), as the case may be.

(3) NO TAX INCREASES ON CERTAIN TAXPAYERS.—Nothing in this subsection is intended to increase taxes on any taxpayer with a taxable income below $400,000.

(b) PERSONNEL FLEXIBILITIES.—The Secretary of the Treasury (or the Secretary's delegate) may use the funds made available under subsection (a)(1)(A), subject to such policies as the Secretary (or the Secretary's delegate) may establish, to take such personnel actions as the Secretary (or the Secretary's delegate) determines necessary to administer the Internal Revenue Code of 1986, including—

(1) utilizing direct hire authority to recruit and appoint qualified applicants, without regard to any notice or preference requirements, directly to positions in the competitive service;

(2) in addition to the authority under section 7812(1) of the Internal Revenue Code of 1986, appointing not more than 200 individuals to positions in the Internal Revenue Service under streamlined critical pay authority, except that—

(A) the authority to offer streamlined critical pay under this paragraph shall expire on September 30, 2031; and

(B) the positions for which streamlined critical pay is authorized under this paragraph may include positions critical to the purposes described in subclauses (I), (II), and (III) of subsection (a)(1)(A)(i); and

(3) appointing, without approval of the Office of Personnel Management, not more than 300 individuals to critical pay positions in the Internal Revenue Service for which—

(A) the rate of basic pay may not exceed the salary set in accordance with section 104 of title 3, United States Code; and

(B) the total annual compensation paid to an employee in such a position, including allowances, differentials, bonuses, awards, and similar cash payments, may not exceed the maximum amount of total annual compensation payable at the salary set in accordance with section 104 of title 3, United States Code.

SEC. 138402. APPLICATION OF BACKUP WITHHOLDING WITH RESPECT TO THIRD PARTY NETWORK TRANSACTIONS.

(a) IN GENERAL.—Section 3406(b) is amended by adding at the end the following new paragraph:

''(8) OTHER REPORTABLE PAYMENTS INCLUDE PAYMENTS IN SETTLEMENT OF THIRD PARTY NETWORK TRANSACTIONS ONLY WHERE AGGREGATE FOR CALENDAR YEAR IS $600 OR MORE.—Any payment in settlement of a third party network transaction required to be shown on a return required under section 6050W which is made during any calendar year shall be treated as a reportable payment only if—

''(A) the aggregate amount of such payment and all previous such payments made by the third party settlement organization to the participating payee during such calendar year equals or exceeds $600, or

''(B) the third party settlement organization was required under section 6050W to file a return for the preceding calendar year with respect to payments to the participating payee.''.

(b) CONFORMING AMENDMENT.—Section 6050W(e) is amended by inserting ''equal or'' before ''exceed $600''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after December 31, 2021.

(d) TRANSITIONAL RULE FOR 2022.—In the case of payments made during calendar year 2022, section 3406(b)(8)(A) of the Internal Revenue Code of 1986 (as added by this section) shall be applied by inserting ''and the aggregate number of third party network transactions settled by the third party settlement organization with respect to the participating payee during such calendar year exceeds 200'' before the comma at the end.

SEC. 138403. MODIFICATION OF PROCEDURAL REQUIREMENTS RELATING TO ASSESSMENT OF PENALTIES.

(a) REPEAL OF APPROVAL REQUIREMENT.—Section 6751 is amended by striking subsection (b).

(b) QUARTERLY CERTIFICATIONS OF COMPLIANCE WITH PROCEDURAL REQUIREMENTS.—Section 6751, as amended by subsection (a) of this section, is amended by inserting after subsection (a) the following new subsection:

''(b) QUARTERLY CERTIFICATIONS OF COMPLIANCE.—Each appropriate supervisor of employees of the Internal Revenue Service shall certify quarterly by letter to the Commissioner of Internal Revenue whether or not the requirements of subsection (a) and administrative policies intended to ensure voluntary compliance have been met with respect to notices of penalty issued by such employees.''.

(c) EFFECTIVE DATES.—

(1) REPEAL OF APPROVAL REQUIREMENT.—The amendment made by subsection (a) shall take effect as if included in section 3306 of the Internal Revenue Service Restructuring and Reform Act of 1998.

(2) QUARTERLY CERTIFICATIONS OF COMPLIANCE WITH PROCEDURAL REQUIREMENTS.—The amendment made by subsection (b) shall apply to notices of penalty issued after the date of the enactment of this Act.

PART 5—OTHER PROVISIONS

SEC. 138501. MODIFICATIONS TO LIMITATION ON DEDUCTION OF EXCESSIVE EMPLOYEE REMUNERATION.

(a) IN GENERAL.—Section 162(m) is amended by adding at the end the following new paragraph:

''(7) SPECIAL RULES RELATED TO LIMITATION ON DEDUCTION OF EXCESSIVE EMPLOYEE REMUNERATION.—

''(A) AGGREGATION RULE.—A rule similar to the rule of paragraph (6)(C)(ii) shall apply for purposes of paragraph (1).

''(B) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of paragraph (1), including regulations or other guidance to prevent the avoidance of such purposes, including through the performance of services other than as an employee or by providing compensation through a pass-through or other entity.''.

(b) APPLICABLE EMPLOYEE REMUNERATION.—Section 162(m)(4)(A) is amended—

(1) by inserting ''(including performance-based compensation, commissions, post-termination compensation, and beneficiary payments)'' after ''remuneration for services'', and

(2) by inserting ''and whether or not such remuneration is paid directly by the publicly held corporation'' after ''whether or not during the taxable year''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 138502. EXTENSION OF TAX TO FUND BLACK LUNG DISABILITY TRUST FUND.

(a) IN GENERAL.—Section 4121(e)(2)(A) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2025''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales after December 31, 2021.

SEC. 138503. PROHIBITED TRANSACTIONS RELATING TO HOLDING DISC OR FSC IN INDIVIDUAL RETIREMENT ACCOUNT.

(a) IN GENERAL.—Section 4975(c)(1) is amended by striking ''or'' at the end of subparagraph (E), by striking the period at the end of subparagraph (F) and inserting ''; or'', and by adding at the end the following new subparagraph:

''(G) investment, at the direction of a disqualified person, by an individual retirement account in an interest in a DISC or FSC that receives any commission, or other payment, from an entity any stock or interest in which is owned by the individual for whose benefit the account is maintained.''.

(b) SPECIAL RULES OF APPLICATION.—Section 4975(c) is amended by adding at the end the following new paragraph:

''(8) SPECIAL RULES OF APPLICATION FOR DISC AND FSC INVESTMENTS.—

''(A) INDIRECT HOLDING OF DISC OR FSC.—For purposes of paragraph (1)(G), investment by an individual retirement account in an interest in an entity that owns (directly or indirectly) an interest in a DISC or FSC shall be treated as investment by such account in an interest in such DISC or FSC.

''(B) CONSTRUCTIVE OWNERSHIP.—For purposes of determining ownership of stock (or any other interest) in an entity under paragraph (1)(G) and ownership of an interest in a DISC or FSC under subparagraph (A), the rules prescribed by section 318 for determining ownership shall apply, except that such section shall be applied by substituting '10 percent' for '50 percent' each place it appears.

''(C) DISC AND FSC.—For purposes of this subsection, the terms 'DISC' and 'FSC' shall have the respective meanings given such terms by section 992(a)(1)) and section 922(a) (as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000).''.

(c) APPLICATION OF TAX TO TERMINATED INDIVIDUAL RETIREMENT ACCOUNTS.—Section 4975(c)(3) is amended by adding at the end the following: ''The preceding sentence shall not apply in the case of a prohibited transaction described in paragraph (1)(G).''.

(d) RELATED RULES FOR INDIVIDUAL RETIREMENT ACCOUNTS.—

(1) IN GENERAL.—Section 408(a) is amended by inserting after paragraph (6) the following new paragraph:

''(7) No part of the trust funds will be invested in any interest in a DISC or a FSC that receives any commission, or other payment, from an entity any stock or interest in which is owned by the individual for whose benefit the trust is maintained. For purposes of the preceding sentence, the definitions and rules of section 4975(c)(8) shall apply.''.

(e) LOSS OF EXEMPTION OF ACCOUNT.—Section 408(e)(2), as amended by the preceding provisions of this Act, is amended—

(1) by redesignating subparagraph (B) as subparagraph (C),

(2) by inserting after subparagraph (A) the following new subparagraph:

''(B) PROHIBITED INVESTMENT.—If, during any taxable year of the individual for whose benefit any individual retirement account is maintained, the investment of any part of the funds of such individual retirement account does not comply with subsection (a)(7), such account ceases to be an individual retirement account as of the first day of such taxable year. For purposes of this subparagraph, the separate account for the benefit of any individual within an individual retirement account maintained by an employer or association of employees is treated as a separate individual retirement account.'',

(3) by striking ''WHERE EMPLOYEE ENGAGES IN PROHIBITED TRANSACTION'' in the heading and inserting ''IN CASE OF CERTAIN PROHIBITED TRANSACTIONS AND INVESTMENTS'',

(4) by striking ''(A)'' in subparagraph (C), as so redesignated, and inserting ''(A) or (B)''.

(f) CONFORMING AMENDMENTS.—

(1) Section 408(c)(1) is amended by striking ''(1) through (6)'' and inserting ''(1) through (7)''.

(2) Section 4975(c)(3) is amended—

(A) striking ''established'' and inserting ''maintained'',

(B) by striking ''transaction'' both places it appears and inserting ''transaction or investment'', and

(C) by striking ''section 408(e)(2)(A)'' and inserting ''subparagraph (A) or (B) of section 408(e)(2)''.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to stock and other interests acquired or held on or after December 31, 2021.

SEC. 138504. CLARIFICATION OF TREATMENT OF DISC GAINS AND DISTRIBUTIONS OF CERTAIN FOREIGN SHAREHOLDERS.

(a) IN GENERAL.—Section 996(g) is amended by striking ''of such shareholder'' and inserting ''deemed to be had by such shareholder''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to gains and distributions after December 31, 2021.

(c) APPLICATION TO FOREIGN SALES CORPORATIONS.—In the case of any distribution after December 31, 2021, section 926(b)(1) of the Internal Revenue Code of 1986 (prior to its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000) shall be applied by substituting

''deemed to be had by such shareholder'' for ''of such shareholder''.

(d) NO INFERENCE.—This section (and the amendments made by this section) shall not be construed to create any inference with respect to the proper application of any provision of the Internal Revenue Code of 1986 with respect to gains and distributions before January 1, 2022.

SEC. 138505. TREATMENT OF CERTAIN QUALIFIED SOUND RECORDING PRODUCTIONS.

(a) ELECTION TO TREAT COSTS AS EXPENSES.—Section 181(a)(1) is amended by striking ''qualified film or television production, and any qualified live theatrical production,'' and inserting ''qualified film or television production, any qualified live theatrical production, and any qualified sound recording production''.

(b) DOLLAR LIMITATION.—Section 181(a)(2) is amended by adding at the end the following new subparagraph:

''(C) QUALIFIED SOUND RECORDING PRODUCTION.—Paragraph (1) shall not apply to so much of the aggregate cost of any qualified sound recording production, or to so much of the aggregate, cumulative cost of all such qualified sound recording productions in the taxable year, as exceeds $150,000.''.

(c) NO OTHER DEDUCTION OR AMORTIZATION DEDUCTION ALLOWABLE.—Section 181(b) is amended by striking ''qualified film or television production or any qualified live theatrical production'' and inserting ''qualified film or television production, any qualified live theatrical production, or any qualified sound recording production''.

(d) ELECTION.—Section 181(c)(1) is amended by striking ''qualified film or television production or any qualified live theatrical production'' and inserting ''qualified film or television production, any qualified live theatrical production, or any qualified sound recording production''.

(e) QUALIFIED SOUND RECORDING PRODUCTION DEFINED.—Section 181 is amended by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following new subsection:

''(f) QUALIFIED SOUND RECORDING PRODUCTION.—For purposes of this section, the term 'qualified sound recording production' means a sound recording (as defined in section 101 of title 17, United States Code) produced and recorded in the United States.''.

(f) TERMINATION.—Section 181(h) (as redesignated by subsection (e)) is amended by striking ''or qualified live theatrical productions'' and inserting '', qualified live theatrical productions, or qualified sound recording productions''.

(g) BONUS DEPRECIATION.—

(1) QUALIFIED SOUND RECORDING PRODUCTION AS QUALIFIED PROPERTY.—Section 168(k)(2)(A)(i) is amended—

(A) by striking ''or'' at the end of subclause (IV), by adding ''or'' at the end of subclause (V), and by inserting after subclause (V) the following:

''(VI) which is a qualified sound recording production (as defined in subsection (f) of section 181) for which a deduction would have been allowable under section 181 without regard to subsections (a)(2) and (h) of such section or this subsection,'', and

(B) in subclauses (IV) and (V) (as amended) by striking ''without regard to subsections (a)(2) and (g)'' both places it appears and inserting ''without regard to subsections (a)(2) and (h)''.

(2) PRODUCTION PLACED IN SERVICE.—Section 168(k)(2)(H) is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', and'', and by adding after clause (ii) the following:

''(iii) a qualified sound recording production shall be considered to be placed in service at the time of initial release or broadcast.''.

(h) CONFORMING AMENDMENTS.—

(1) The heading for section 181 is amended to read as follows: ''**TREATMENT OF CERTAIN QUALIFIED PRODUCTIONS**.''.

(2) The table of sections for part VI of subchapter B of chapter 1 is amended by striking the item relating to section 181 and inserting the following new item:

''Sec. 181. Treatment of certain qualified productions.''.

(i) EFFECTIVE DATE.—The amendments made by this section shall apply to productions commencing in taxable years ending after the date of the enactment of this Act.

SEC. 138506. PAYMENT TO CERTAIN INDIVIDUALS WHO DYE FUEL.

(a) IN GENERAL.—Subchapter B of chapter 65 is amended by adding at the end the following new subsection:

''SEC. 6433. DYED FUEL.

''(a) IN GENERAL.—If a person establishes to the satisfaction of the Secretary that such person meets the requirements of subsection (b) with respect to diesel fuel or kerosene, then the Secretary shall pay to such person an amount (without interest) equal to the tax described in subsection (b)(2)(A) with respect to such diesel fuel or kerosene.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—A person meets the requirements of this subsection with respect to diesel fuel or kerosene if such person removes from a terminal eligible indelibly dyed diesel fuel or kerosene.

''(2) ELIGIBLE INDELIBLY DYED DIESEL FUEL OR KEROSENE DEFINED.—The term 'eligible indelibly dyed diesel fuel or kerosene' means diesel fuel or kerosene—

''(A) with respect to which a tax under section 4081 was previously paid (and not credited or refunded), and

''(B) which is exempt from taxation under section 4082(a).

''(c) CROSS REFERENCE.—For civil penalty for excessive claims under this section, see section 6675.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6206 is amended—

(A) by striking ''or 6427'' each place it appears and inserting ''6427, or 6433'', and

(B) by striking ''6420 and 6421'' and inserting ''6420, 6421, and 6433''.

(2) Section 6430 is amended—

(A) by striking ''or'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ''or'', and by adding at the end the following new paragraph:

''(4) which are removed as eligible indelibly dyed diesel fuel or kerosene under section 6433.''.

(3) Section 6675 is amended—

(A) in subsection (a), by striking ''or 6427 (relating to fuels not used for taxable purposes)'' and inserting ''6427 (relating to fuels not used for taxable purposes), or 6433 (relating to eligible indelibly dyed fuel)'', and

(B) in subsection (b)(1), by striking ''6421, or 6427,'' and inserting ''6421, 6427, or 6433''.

(4) The table of sections for subchapter B of chapter 65 is amended by adding at the end the following new item:

''Sec. 6433. Dyed fuel.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to eligible indelibly dyed diesel fuel or kerosene removed on or after the date that is 180 days after the date of the enactment of this section.

SEC. 138507. TREATMENT OF FINANCIAL GUARANTY INSURANCE COMPANIES AS QUALIFYING INSURANCE CORPORATIONS UNDER PASSIVE FOREIGN INVESTMENT COMPANY RULES.

(a) IN GENERAL.—Section 1297(f)(3) is amended by adding at the end the following new subparagraph:

''(C) SPECIAL RULES FOR FINANCIAL GUARANTY INSURANCE COMPANIES.—

''(i) IN GENERAL.—Notwithstanding subparagraphs (A)(ii) and (B), the applicable insurance liabilities of a financial guaranty insurance company shall include its unearned premium reserves if—

''(I) such company is prohibited under generally accepted accounting principles from reporting on its applicable financial statements reserves for losses and loss adjustment expenses with respect to a financial guaranty insurance or reinsurance contract except to the extent that losses and loss adjustment expenses are expected to exceed the unearned premium reserves on the contract,

''(II) the applicable financial statement of such company reports financial guaranty exposure of at least 15-to-1 or State or local bond exposure of at least 9-to-1 (8-to-1 in the case of a taxable year of such company which ends on or before December 31, 2018), and

''(III) such company includes in its insurance liabilities only its unearned premium reserves relating to insurance written or assumed that is within the single risk limits set forth in subsection (D) of section 4 of the Financial Guaranty Insurance Guideline (modified by using total shareholder's equity as reported on the applicable financial statement of the company rather than aggregate of the surplus to policyholders and contingency reserves).

''(ii) APPLICATION OF ALTERNATIVE FACTS AND CIRCUMSTANCES TEST.—A financial guaranty insurance company shall be treated as satisfying the requirements of paragraph (2)(B)(ii).

''(iii) FINANCIAL GUARANTY INSURANCE COMPANY.—For purposes of this subparagraph, the term 'financial guaranty insurance company' means any insurance company the sole business of which is writing or reinsuring financial guaranty insurance (as defined in subsection (A) of section 1 of the Financial Guaranty Insurance Guideline) which is permitted under subsection (B) of section 4 of such Guideline.

''(iv) FINANCIAL GUARANTY EXPOSURE.—For purposes of this subparagraph, the term 'financial guaranty exposure' means the ratio of—

''(I) the net debt service outstanding insured or reinsured by the company that is within the single risk limits set forth in the Financial Guaranty Insurance Guideline (as reported on such company's applicable financial statement), to

''(II) the company's total assets (as so reported).

''(v) STATE OR LOCAL BOND EXPOSURE.—For purposes of this subparagraph, the term 'State or local bond exposure' means the ratio of—

''(I) the net unpaid principal of State or local bonds (as defined in section 103(c)(1)) insured or reinsured by the company that is within the single risk limits set forth in the Financial Guaranty Insurance Guideline (as reported on such company's applicable financial statement), to

''(II) the company's total assets (as so reported).''

''(vi) FINANCIAL GUARANTY INSURANCE GUIDELINE.—For purposes of this subparagraph—

''(I) IN GENERAL.—The term 'Financial Guaranty Insurance Guideline' means the October 2008 model regulation that was adopted by the National Association of Insurance Commissioners on December 4, 2007.

''(II) DETERMINATIONS MADE BY SECRETARY.—The determination of whether any provision of the Financial Guaranty Insurance Guideline has been satisfied shall be made by the Secretary.''.

(b) REPORTING OF CERTAIN ITEMS.—Section 1297(f)(4) is amended by adding at the end the following new subparagraph:

''(C) CLARIFICATION THAT CERTAIN ITEMS ON APPLICABLE FINANCIAL STATEMENT BE SEPARATELY REPORTED WITH RESPECT TO CORPORATION.—An amount described in paragraph (1)(B) or clause (i)(II), (i)(III), (iv)(I), (iv)(II), (v)(I), or (v)(II) of paragraph (3)(C) shall be treated as reported on an applicable financial statement for purposes of this section if—

''(i) such amount is separately reported on such statement with respect to the corporation referred to in paragraph (1), or

''(ii) such amount is separately determined for purposes of calculating an amount which is reported on such statement.

''(D) AUTHORITY OF SECRETARY TO REQUIRE REPORTING.—

''(i) IN GENERAL.—Each United States person who owns an interest in a specified non-publicly traded foreign corporation and who takes the position that such corporation is not a passive foreign investment company shall report to the Secretary such information with respect to such corporation as the Secretary may require.

''(ii) SPECIFIED NON-PUBLICLY TRADED FOREIGN CORPORATION.—For purposes of this subparagraph, the term 'specified non-publicly traded foreign corporation' means any foreign corporation—

''(I) which would be a passive foreign investment company if subsection (b)(2)(B) did not apply, and

''(II) no interest in which is traded on an established securities market.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in section 14501 of Public Law 115–97.

(2) REPORTING.—The amendment made by subsection (b) shall apply to reports made after the date of the enactment of this Act.

SEC. 138508. EXTENSION OF PERIOD OF LIMITATION FOR CERTAIN LEGALLY MARRIED COUPLES.

(a) IN GENERAL.—In the case of an individual first treated as married for purposes of the Internal Revenue Code of 1986 by the application of the holdings of Revenue Ruling 2013–17—

(1) if such individual filed a return (other than a joint return) for a taxable year ending before September 16, 2013, for which a joint return could have been made by the individual and the individual's spouse but for the fact that such holdings were not effective at the time of filing, such return shall be treated as a separate return within the meaning of section 6013(b) of such Code and the time prescribed by section 6013(b)(2)(A) of such Code for filing a joint return after filing a separate return shall not expire before the date prescribed by law (including extensions) for filing the return of tax for the taxable year that includes the date of the enactment of this Act, and

(2) in the case of a joint return filed pursuant to paragraph (1)—

(A) the period of limitation prescribed by section 6511(a) of such Code for any such taxable year shall be extended until the date prescribed by law (including extensions) for filing the return of tax for the taxable year that includes the date of the enactment of this Act, and

(B) section 6511(b)(2) of such Code shall not apply to any claim of credit or refund with respect to such return.

(b) AMENDMENTS, ETC. RESTRICTED TO CHANGE IN MARITAL STATUS.—Subsection (a) shall apply only with respect to amendments to the return of tax, and claims for credit or refund, relating to a change in the marital status for purposes of the Internal Revenue Code of 1986 of the individual.

SEC. 138514. ALLOWANCE OF DEDUCTION FOR CERTAIN EXPENSES OF THE TRADE OR BUSINESS OF BEING AN EMPLOYEE.

(a) ABOVE-THE-LINE DEDUCTION FOR UNION DUES.—Section 62(a)(2) is amended by adding at the end the following new subparagraph:

''(F) UNION DUES.—In the case of any taxable year beginning after December 31, 2021, and before January 1, 2026, the deductions allowed by section 162 which are both—

''(A) not in excess of $250, and

''(B) attributable to a trade or business consisting of the performance of services by the taxpayer as an employee if such deductions are for dues paid to a labor organization described in section 501(c)(5) and with respect to which such taxpayer remained a member through the end of the taxable year.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 138515. TEMPORARY INCREASE IN EMPLOYER-PROVIDED CHILD CARE CREDIT.

(a) IN GENERAL.—Section 45F is amended by adding at the end the following new subsection:

''(g) TEMPORARY INCREASE.—In the case of any taxable year beginning after December 31, 2021, and before January 1, 2026—

''(1) INCREASE IN PERCENTAGE OF CREDIT FOR QUALIFIED CHILD CARE EXPENDITURES.—Subsection (a)(1) shall be applied by substituting '50 percent' for '25 percent'.

''(2) INCREASE IN DOLLAR LIMITATION.—Subsection (b) shall be applied by substituting '$500,000' for '$150,000'.

''(3) PRESERVATION OF DOLLAR LIMITATION ON QUALIFIED CHILD CARE RESOURCE AND REFERRAL EXPENDITURES.—The aggregate amount of qualified child care resource and referral expenditures which may be taken into account under subsection (a)(2) for any taxable year shall not exceed $1,500,000.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 138516. PAYROLL CREDIT FOR COMPENSATION OF LOCAL NEWS JOURNALISTS.

(a) IN GENERAL.—Subchapter D of chapter 21 is amended by adding at the end the following new section:

''SEC. 3135. LOCAL NEWS JOURNALIST COMPENSATION CREDIT.

''(a) IN GENERAL.—In the case of an eligible local news journalist employer, there shall be allowed as a credit against the taxes imposed by section 3111(b) for each calendar quarter an amount equal to the applicable percentage of wages paid by such employer to local news journalists for such calendar quarter.

''(b) LIMITATIONS AND REFUNDABILITY.—

''(1) NUMBER OF LOCAL NEWS JOURNALISTS TAKEN INTO ACCOUNT.—The number of local news journalists which may be taken into account under subsection (a) with respect to any eligible local news journalist employer for any calendar quarter shall not exceed 1,500.

''(2) WAGES TAKEN INTO ACCOUNT.—The amount of wages paid with respect to any individual which may be taken into account under subsection (a) during any calendar quarter by the eligible local news journalist employer shall not exceed $12,500.

''(3) CREDIT LIMITED TO EMPLOYMENT TAXES.—The credit allowed by subsection (a) with respect to any calendar quarter shall not exceed the taxes imposed by section 3111(b) on the wages paid with respect to the employment of all the employees of the eligible local news journalist employer for such calendar quarter.

''(4) REFUNDABILITY OF EXCESS CREDIT.—If the amount of the credit under subsection (a) exceeds the limitation of paragraph (3) for any calendar quarter, such excess shall be treated as an overpayment that shall be refunded under sections 6402(a) and 6413(b).

''(c) ELIGIBLE LOCAL NEWS JOURNALIST EMPLOYER.—For purposes of this section—

''(1) IN GENERAL.—The term 'eligible local news journalist employer' means, with respect to any calendar quarter, any employer which—

''(A) is—

''(i) an eligible local news organization, or

''(ii) a qualifying broadcast station, and

''(B) employs local news journalists.

''(2) ELIGIBLE LOCAL NEWS ORGANIZATION.—The term 'eligible local news organization' means, with respect to any calendar quarter, any employer—

''(A) which publishes one or more qualifying publications during the calendar quarter,

''(B) which is not a disqualified organization, and

''(C) which did not derive more than 50 percent of its gross receipts for such calendar quarter from disqualified organizations.

''(3) QUALIFYING BROADCAST STATION.—The term 'qualifying broadcast station' means, with respect to any calendar quarter, any employer—

''(A) which owns or operates a broadcast station (as defined in section 3 of the Communications Act of 1934),

''(B) which is not a disqualified organization,

''(C) which did not derive more than 50 percent of its gross receipts for such calendar quarter from disqualified organizations, and

''(D) which discloses its ownership to the public at such times and in such manner as identified by the Secretary.

''(d) OTHER DEFINITIONS.—For purposes of this section—

''(1) APPLICABLE PERCENTAGE.—The term 'applicable percentage' means—

''(A) in the case of each of the first 4 calendar quarters to which this section applies, 50 percent, and

''(B) in the case of each calendar quarter thereafter, 30 percent.

''(2) LOCAL NEWS JOURNALIST.—

''(A) IN GENERAL.—The term 'local news journalist' means, with respect to any eligible local news journalist employer for any calendar quarter, any full-time employee (as defined in section 4980H(c)(4)) who—

''(i) provides qualified services for an average of not less than 30 hours per week for each week during which such employee is employed by the eligible local news journalist employer during the calendar quarter, and

''(ii) resides within 50 miles of the local community with respect to the qualifying publication or qualifying broadcast station with respect to which the qualified services are provided.

''(B) QUALIFIED SERVICES.—For purposes of subparagraph (A)(ii), the term 'qualified services' means services—

''(i) which consist of gathering, preparing, directing the recording of, producing, collecting, photographing, recording, writing, editing, reporting, presenting, or publishing original local community news for dissemination to the local community, and

''(ii) which are provided with respect to—

''(I) a qualifying publication of an eligible local news organization, or

''(II) the local community of a qualifying broadcast station.

''(3) QUALIFYING PUBLICATION.—The term 'qualifying publication' means, with respect to any calendar quarter, any print or digital publication—

''(A) the primary purpose of which is to serve a local community by providing local news,

''(B) which—

''(i) is published during the calendar quarter, and

''(ii) has been published during each of the 4 calendar quarters preceding such calendar quarter,

''(C) which is covered by media liability insurance for such calendar quarter,

''(D) which discloses its ownership to the public at such times and in such manner as identified by the Secretary, and

''(E) which receives services from not more than 1,500 persons during such calendar quarter.

''(4) LOCAL COMMUNITY.—The term 'local community' means, with respect to any qualifying broadcast station or qualifying publication, a geographically contiguous area that does not exceed the boundaries of—

''(A) in the case of a qualifying broadcast station, the area for which the qualifying broadcast station is licensed to serve by the Federal Communications Commission under section 307 of the Communications Act of 1934, and

''(B) in the case of a qualifying publication—

''(i) the metropolitan or micropolitan statistical area, as defined by the Office of Management and Budget, in which the qualifying publication is primarily distributed,

''(ii) if such qualifying publication is not primarily distributed in a metropolitan or micropolitan statistical area, political subdivision of the State in which such qualifying publication is primarily distributed, or

''(iii) if such qualifying publication is not primarily distributed in a metropolitan or micropolitan statistical area or a political subdivision of a State, the State in which such qualifying publication is primarily distributed.

For purposes of subparagraph (B), in the case of a qualifying publication which is a digital publication, such qualifying publication shall be considered to be primarily distributed in the area where such publication is primarily consumed.

''(5) DISQUALIFIED ORGANIZATION.—The term 'disqualified organization' means—

''(A) any organization described in section 501(c)(4) and exempt from tax under section 501(a),

''(B) any organization described in section 527, and

''(C) any organization that is owned or controlled (directly or indirectly) by one or more organizations described in subparagraph (A) or (B).

''(6) GROSS RECEIPTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'gross receipts' has the meaning given such term as used in section 448(c).

''(B) TAX-EXEMPT ORGANIZATIONS.—In the case of an organization which is described in section 501(c) and exempt from tax under section 501(a), any reference in this section to gross receipts shall be treated as a reference to gross receipts within the meaning of section 6033.

''(7) OTHER TERMS.—Any term used in this section which is also used in this chapter shall have the same meaning as when used in such chapter.

''(e) AGGREGATION RULE.—All persons treated as a single employer under subsection (a) or (b) of section 52, or subsection (m) or (o) of section 414, shall be treated as one employer for purposes of this section.

''(f) CERTAIN RULES TO APPLY.—

''(1) IN GENERAL.—For purposes of this section—

''(A) except as provided in paragraph (2), rules similar to the rules of section 51(i)(1) shall apply, and

''(B) rules similar to the rules of section 280C(a) shall apply.

''(2) EXCEPTION.—Paragraph (1)(A) shall not apply with respect to any local news journalist of an eligible local news journalist employer which employs fewer than 15 local news journalists during the calendar quarter.

''(g) CERTAIN GOVERNMENTAL EMPLOYERS.—

''(1) IN GENERAL.—This credit shall not apply to the Government of the United States, the government of any State or political subdivision thereof, or any agency or instrumentality of any of the foregoing.

''(2) EXCEPTION.—Paragraph (1) shall not apply to any public broadcasting entity (as defined in section 397(11) of the Communications Act of 1934 (47 U.S.C. 397(11))).

''(h) ELECTION TO HAVE SECTION NOT APPLY.—This section shall not apply with respect to any eligible local news journalist employer for any calendar quarter if such employer elects (at such time and in such manner as the Secretary may prescribe) not to have this section apply.

''(i) SPECIAL RULES.—

''(1) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be included for purposes of this section for any period with respect to any employer if such employer is allowed a credit under section 51 with respect to such employee for such period.

''(2) DENIAL OF DOUBLE BENEFIT.—Any wages taken into account in determining the credit allowed under this section shall not be taken into account for purposes of determining the credit allowed under section 41, 45A, 45P, 45S, or 1396.

''(3) THIRD-PARTY PAYORS.—Any credit allowed under this section shall be treated as a credit described in section 3511(d)(2) of such Code.

''(j) TREATMENT OF DEPOSITS.—The Secretary shall waive any penalty under section 6656 for any failure to make a deposit of any taxes imposed under section 3111(b) if the Secretary determines that such failure was due to the reasonable anticipation of the credit allowed under this section.

''(k) EXTENSION OF LIMITATION ON ASSESSMENT.—Notwithstanding section 6501, the limitation on the time period for the assessment of any amount attributable to a credit claimed under this section shall not expire before the date that is 5 years after the later of—

''(1) the date on which the original return which includes the calendar quarter with respect to which such credit is determined is filed, or

''(2) the date on which such return is treated as filed under section 6501(b)(2).

''(l) REGULATIONS AND GUIDANCE.—The Secretary shall issue such forms, instructions, regulations, and guidance as are necessary—

''(1) with respect to the application of the credit under subsection (a) to third-party payors (including professional employer organizations, certified professional employer organizations, or agents under section 3504), including regulations or guidance allowing such payors to submit documentation necessary to substantiate the eligible employer status of employers that use such payors, and

''(2) to prevent the avoidance of the purposes of the limitations under this section.

Any forms, instructions, regulations, or other guidance described in paragraph (1) shall require the customer to be responsible for the accounting of the credit and for any liability for improperly claimed credits and shall require the certified professional employer organization or other third-party payor to accurately report such tax credits based on the information provided by the customer.

''(m) APPLICATION.—This section shall only apply to wages paid in calendar quarters beginning after the date of the enactment of this section and beginning before the date that is 5 years after the first day of the first calendar quarter to which this section applies.''.

(b) REFUNDS.—Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting ''3135,'' after ''3134,''.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter D of chapter 21 is amended by adding at the end the following:

''Sec. 3135. Local news journalist compensation credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar quarters beginning after the date of the enactment of this Act.

SEC. 138517. ABOVE-THE-LINE DEDUCTION FOR EMPLOYEE UNIFORMS.

(a) IN GENERAL.—Section 62(a)(2), as amended by the preceding provision of this Act, is amended by adding at the end the following new subparagraph:

''(G) WORK CLOTHES AND UNIFORMS.—In the case of any taxable year beginning after December 31, 2021, and before January 1, 2025, the deductions allowed by section 162, not in excess of $250, which are attributable to a trade or business consisting of the performance of services by the taxpayer as an employee if such deductions are for uniforms or work clothing which are—

''(i) required to be worn as a condition of employment, and

''(ii) not suitable for everyday wear.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 138518. EXPENSES IN CONTINGENCY FEE CASES.

(a) IN GENERAL.—Section 162 is amended by redesignating subsection (s) as subsection (t) and by inserting after subsection (r) the following new subsection:

''(s) EXPENSES IN CONTINGENCY FEE CASES.—In the case of any amount paid or incurred in the ordinary course of the trade or business of practicing law the repayment of which is contingent on a recovery by judgment or settlement in the action to which such amount relates—

''(1) the deduction under subsection (a) shall be determined by disregarding the possibility that such amount will be repaid, and

''(2) income attributable to any related recovery shall not be reduced by such amount.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid, incurred, or received in taxable years beginning after the date of the enactment of this Act.

SEC. 138519. INCREASE IN RESEARCH CREDIT AGAINST PAYROLL TAX FOR SMALL BUSINESSES.

(a) IN GENERAL.—Clause (i) of section 41(h)(4)(B) is amended—

(1) by striking ''AMOUNT.—The amount'' and inserting ''AMOUNT.—

''(I) IN GENERAL.—The amount'', and

(2) by adding at the end the following new subclause:

''(II) INCREASE.—In the case of taxable years beginning after December 31, 2021, the amount in subclause (I) shall be increased by $250,000.''.

(b) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Paragraph (1) of section 3111(f) is amended—

(A) by striking ''for a taxable year, there shall be allowed'' and inserting ''for a taxable year—

''(A) there shall be allowed'',

(B) by striking ''equal to the'' and inserting ''equal to so much of the'',

(C) by striking the period at the end and inserting ''as does not exceed the limitation of subclause (I) of section 41(h)(4)(B)(i) (applied without regard to subclause (II) thereof), and'', and

(D) by adding at the end the following new subparagraph:

''(B) there shall be allowed as a credit against the tax imposed by subsection (b) for the first calendar quarter which begins after the date on which the taxpayer files the return specified in section 41(h)(4)(A)(ii) an amount equal to so much of the payroll tax credit portion determined under section 41(h)(2) as is not allowed as a credit under subparagraph (A).''.

(2) LIMITATION.—Paragraph (2) of section 3111(f) is amended—

(A) by striking ''paragraph (1)'' and inserting ''paragraph (1)(A)'', and

(B) by inserting '', and the credit allowed by paragraph (1)(B) shall not exceed the tax imposed by subsection (b) for any calendar quarter,'' after ''calendar quarter''.

(3) CARRYOVER.—Paragraph (3) of section 3111(f) is amended by striking ''the credit'' and inserting ''any credit''.

(4) DEDUCTION ALLOWED.—Paragraph (4) of section 3111(f) is amended—

(A) by striking ''credit'' and inserting ''credits'', and

(B) by striking ''subsection (a)'' and inserting ''subsection (a) or (b)''.

(c) AGGREGATION RULES.—Clause (ii) of section 41(h)(5)(B) is amended by striking ''the $250,000 amount'' and inserting ''each of the $250,000 amounts''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 138520. IMPOSITION OF TAX ON NICOTINE.

(a) IN GENERAL.—Section 5701 is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) NICOTINE.—On taxable nicotine, manufactured in or imported into the United States, there shall be imposed a tax equal to the dollar amount specified in section 5701(b)(1) (or, if greater, $50.33) per 1,810 milligrams of nicotine (and a proportionate tax at the like rate on any fractional part thereof).''.

(b) TAXABLE NICOTINE.—Section 5702 is amended by adding at the end the following new subsection:

''(q) TAXABLE NICOTINE.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'taxable nicotine' means any nicotine which has been extracted, concentrated, or synthesized.

''(2) EXCEPTION FOR PRODUCTS APPROVED BY FOOD AND DRUG ADMINISTRATION.—Such term shall not include any nicotine if the manufacturer or importer thereof demonstrates to the satisfaction of the Secretary of Health and Human Services that such nicotine will be used in—

''(A) a drug—

''(i) that is approved under section 505 of the Federal Food, Drug, and Cosmetic Act or licensed under section 351 of the Public Health Service Act; or

''(ii) for which an investigational use exemption has been authorized under section 505(i) of the Federal Food, Drug, and Cosmetic Act or under section 351(a) of the Public Health Service Act; or

''(B) a combination product (as described in section 503(g) of the Federal Food, Drug, and Cosmetic Act), the constituent parts of which were approved or cleared under section 505, 510(k), or 515 of such Act.

''(3) COORDINATION WITH TAXATION OF OTHER TOBACCO PRODUCTS.—Tobacco products meeting the definition of cigars, cigarettes, smokeless tobacco, pipe tobacco, and roll-your-own tobacco in this section shall be classified and taxed as such despite any concentration of the nicotine inherent in those products or any addition of nicotine to those products during the manufacturing process.

''(4) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance for coordinating the taxation of tobacco products and taxable nicotine to protect revenue and prevent double taxation.''.

(c) TAXABLE NICOTINE TREATED AS A TOBACCO PRODUCT.—Section 5702(c) is amended by striking ''and roll-your-own tobacco'' and inserting ''roll-your-own tobacco, and taxable nicotine''.

(d) MANUFACTURER OF TAXABLE NICOTINE.—Section 5702, as amended by subsection (b), is amended by adding at the end the following new subsection:

''(r) MANUFACTURER OF TAXABLE NICOTINE.—

''(1) IN GENERAL.—Any person who extracts, concentrates, or synthesizes nicotine shall be treated as a manufacturer of taxable nicotine (and as manufacturing such taxable nicotine).

''(2) APPLICATION OF RULES RELATED TO MANUFACTURERS OF TOBACCO PRODUCTS.—Any reference to a manufacturer of tobacco products, or to manufacturing tobacco products, shall be treated as including a reference to a manufacturer of taxable nicotine, or to manufacturing taxable nicotine, respectively.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to articles removed in calendar quarters beginning after the date which is 180 days after the date of the enactment of this Act.

(2) TRANSITION RULE FOR PERMIT AND BOND REQUIREMENTS.—A person which is lawfully engaged in business as a manufacturer or importer of taxable nicotine (within the meaning of subchapter A of chapter 52 of the Internal Revenue Code of 1986, as amended by this section) on the date of the enactment of this Act, first becomes subject to the requirements of subchapter B of chapter 52 of such Code by reason of the amendments made by this section, and submits an application under such subchapter B to engage in such business not later than 90 days after the date of the enactment of this Act, shall not be denied the right to carry on such business by reason of such requirements before final action on such application.

SEC. 138521. TERMINATION OF EMPLOYER CREDIT FOR PAID FAMILY AND MEDICAL LEAVE.

Section 45S(i) is amended by striking ''December 31, 2025'' and inserting ''December 31, 2023''.

Subtitle I—Drug Pricing

PART 1—LOWERING PRICES THROUGH DRUG PRICE NEGOTIATION

SEC. 139001. PROVIDING FOR LOWER PRICES FOR CERTAIN HIGH-PRICED SINGLE SOURCE DRUGS.

(a) PROGRAM TO LOWER PRICES FOR CERTAIN HIGH-PRICED SINGLE SOURCE DRUGS.—Title XI of the Social Security Act is amended by adding after section 1184 (42 U.S.C. 1320e–3) the following new part:

''PART E—PRICE NEGOTIATION PROGRAM TO LOWER PRICES FOR CERTAIN HIGH-PRICED SINGLE SOURCE DRUGS

''SEC. 1191. ESTABLISHMENT OF PROGRAM.

''(a) IN GENERAL.—The Secretary shall establish a Drug Price Negotiation Program (in this part referred to as the 'program'). Under the program, with respect to each price applicability period, the Secretary shall—

''(1) publish a list of negotiation-eligible drugs and selected drugs in accordance with section 1192;

''(2) enter into agreements with manufacturers of selected drugs with respect to such period, in accordance with section 1193;

''(3) negotiate and, if applicable, renegotiate maximum fair prices for such selected drugs, in accordance with section 1194; and

''(4) carry out the administrative duties described in section 1196.

''(b) DEFINITIONS RELATING TO TIMING.—For purposes of this part:

''(1) INITIAL PRICE APPLICABILITY YEAR.—The term 'initial price applicability year' means a year (beginning with 2025).

''(2) PRICE APPLICABILITY PERIOD.—The term 'price applicability period' means, with respect to a qualifying single source drug, the period beginning with the first initial price applicability year with respect to which such drug is a selected drug and ending with the last year during which the drug is a selected drug.

''(3) SELECTED DRUG PUBLICATION DATE.—The term 'selected drug publication date' means, with respect to each initial price applicability year, February 1 of the year that begins 2 years prior to such year.

''(4) NEGOTIATION PERIOD.—The term 'negotiation period' means, with respect to an initial price applicability year with respect to a selected drug, the period—

''(A) beginning on the sooner of—

''(i) the date on which the manufacturer of the drug and the Secretary enter into an agreement under section 1193 with respect to such drug; or

''(ii) February 28 following the selected drug publication date with respect to such selected drug; and

''(B) ending on November 1 of the year that begins 2 years prior to the initial price applicability year.

''(c) OTHER DEFINITIONS.—For purposes of this part:

''(1) MAXIMUM FAIR PRICE ELIGIBLE INDIVIDUAL.—The term 'maximum fair price eligible individual' means, with respect to a selected drug—

''(A) in the case such drug is dispensed to the individual at a pharmacy, by a mail order service, or by another dispenser, an individual who is enrolled under a prescription drug plan under part D of title XVIII or an MA–PD plan under part C of such title if coverage is provided under such plan for such selected drug; and

''(B) in the case such drug is furnished or administered to the individual by a hospital, physician, or other provider of services or supplier, an individual who is enrolled under part B of title XVIII, including an individual who is enrolled under an MA plan under part C of such title, if such selected drug is covered under such part.

''(2) MAXIMUM FAIR PRICE.—The term 'maximum fair price' means, with respect to a year during a price applicability period and with respect to a selected drug (as defined in section 1192(c)) with respect to such period, the price published pursuant to section 1195 in the Federal Register for such drug and year.

''(3) UNIT.—The term 'unit' means, with respect to a drug or biological, the lowest identifiable amount (such as a capsule or tablet, milligram of molecules, or grams) of the drug or biological that is dispensed or furnished. The determination of a unit, with respect to a drug or biological, pursuant to this paragraph shall not be subject to administrative or judicial review.

''(4) TOTAL EXPENDITURES.—The term 'total expenditures' includes, in the case of expenditures with respect to part D of title XVIII, ingredient costs, dispensing fees, sales tax, and if applicable, vaccine administration fees. The term 'total expenditures' excludes, in the case of expenditures with respect to part B of such title, expenditures for a drug or biological that are bundled or packaged into the payment for another service.

''SEC. 1192. SELECTION OF NEGOTIATION-ELIGIBLE DRUGS AS SELECTED DRUGS.

''(a) IN GENERAL.—Not later than the selected drug publication date with respect to an initial price applicability year, in accordance with subsection (b), the Secretary shall select and publish in the Federal Register a list of—

''(1)(A) with respect to the initial price applicability year 2025, not more than 10 negotiation-eligible drugs described in subparagraph (A)(i) of subsection (d)(1), but not subparagraph (B) of such subsection, with respect to such year;

''(B) with respect to the initial price applicability year 2026, not more than 15 negotiation-eligible drugs described in subparagraph (A)(i) of subsection (d)(1), but not subparagraph (B) of such subsection, with respect to such year;

''(C) with respect to the initial price applicability year 2027, not more than 15 negotiation-eligible drugs described in subparagraph (A) of subsection (d)(1), but not subparagraph (B) of such subsection, with respect to such year; and

''(D) with respect to the initial price applicability year 2028 or a subsequent year, not more than 20 negotiation-eligible drugs described in subparagraph (A) of subsection (d)(1), but not subparagraph (B) of such subsection, with respect to such year; and

''(2) all negotiation-eligible drugs described in subparagraph (B) of such subsection with respect to such year.

Subject to subsection (c)(2) and section 1194(f)(5), each drug published on the list pursuant to the previous sentence shall be subject to the negotiation process under section 1194 for the negotiation period with respect to such initial price applicability year (and the renegotiation process under such section as applicable for any subsequent year during the applicable price applicability period).

''(b) SELECTION OF DRUGS.—

''(1) IN GENERAL.—In carrying out subsection (a)(1), subject to paragraph (2), the Secretary shall, with respect to an initial price applicability year—

''(A) rank a combined list of negotiation-eligible drugs described in subsection (d)(1)(A) according to the total expenditures for such drugs under parts B and D of title XVIII, as determined by the Secretary, during the most recent period of 12 months prior to the selected drug publication date (but ending not later than October 31 of the year prior to the year of such drug publication date), with respect to such year, for which data are available, with the negotiation-eligible drugs with the highest total expenditures being ranked the highest; and

''(B) select from such ranked combined list for inclusion on the published list described in subsection (a) with respect to such year the negotiation-eligible drugs with the highest such rankings.

''(2) HIGH SPEND PART D DRUGS FOR 2025 AND 2026.—With respect to the initial price applicability year 2025 and with respect to the initial price applicability year 2026, the Secretary shall apply paragraph (1) as if the reference to 'negotiation-eligible drugs described in subsection (d)(1)(A)' were a reference to 'negotiation-eligible drugs described in subsection (d)(1)(A)(i)' and as if the reference to 'total expenditures for such drugs under parts B and D of title XVIII' were a reference to 'total expenditures for such drugs under part D of title XVIII'.

''(c) SELECTED DRUG.—

''(1) IN GENERAL.—For purposes of this part, consistent with subsection (e)(2) and subject to paragraph (2), each negotiation-eligible drug included on the list published under subsection (a) with respect to an initial price applicability year shall be referred to as a 'selected drug' with respect to such year and each subsequent year beginning before the first year that begins after the date on which the Secretary determines at least one drug or biological product—

''(A) is approved or licensed (as applicable)—

''(i) under section 505(j) of the Federal Food, Drug, and Cosmetic Act using such drug as the listed drug; or

''(ii) under section 351(k) of the Public Health Service Act using such drug as the reference product; and

''(B) is marketed pursuant to such approval or licensure.

''(2) CLARIFICATION.—A negotiation-eligible drug—

''(A) that is included on the list published under subsection (a) with respect to an initial price applicability year; and

''(B) for which the Secretary makes a determination described in paragraph (1) before or during the negotiation period with respect to such initial price applicability year,

shall not be subject to the negotiation process under section 1194 with respect to such negotiation period and shall continue to be considered a selected drug under this part with respect to the number of negotiation-eligible drugs published on the list under subsection (a) with respect to such initial price applicability year.

''(d) NEGOTIATION-ELIGIBLE DRUG.—

''(1) IN GENERAL.—For purposes of this part, subject to paragraph (2), the term 'negotiation-eligible drug' means, with respect to the selected drug publication date with respect to an initial price applicability year, a qualifying single source drug, as defined in subsection (e), that is described in either of the following subparagraphs (or, with respect to the initial price applicability year 2025 or 2026, that is described in subparagraph (A)(i) or (B)):

''(A) HIGH SPEND DRUGS.—The qualifying single source drug is, determined in accordance with subsection (e)(2)—

''(i) among the 50 qualifying single source drugs with the highest total expenditures under part D of title XVIII, as determined by the Secretary in accordance with paragraph (3), during the most recent period for which data are available of at least 12 months prior to the selected drug publication date (but ending no later than October 31 of the year prior to the year of such drug publication date), with respect to such year; or

''(ii) among the 50 qualifying single source drugs with the highest total expenditures under part B of title XVIII, as determined by the Secretary in accordance with paragraph (3), during such most recent period, as described in clause (i).

''(B) INSULIN.—The qualifying single source drug is described in subsection (e)(1)(C).

''(2) EXCEPTION FOR SMALL BIOTECH DRUGS.—

''(A) IN GENERAL.—Subject to subparagraph (C), the term 'negotiation-eligible drug' shall not include, with respect to the initial price applicability years 2025, 2026, and 2027, a qualifying single source drug that meets either of the following:

''(i) PART D DRUGS.—The total expenditures for the qualifying single source drug under part D of title XVIII, as determined by the Secretary in accordance with paragraph (3), during 2021—

''(I) are equal to or less than 1 percent of the total expenditures under such part D, as so determined, for all covered part D drugs during such year; and

''(II) are equal to at least 80 percent of the total expenditures under such part D, as so determined, for all covered part D drugs for which the manufacturer of the drug has an agreement in effect under section 1860D–14A during such year.

''(ii) PART B DRUGS.—The total expenditures for the qualifying single source drug under part B of title XVIII, as determined by the Secretary in accordance with paragraph (3), during 2021—

''(I) are equal to or less than 1 percent of the total expenditures under such part B, as so determined, for all qualifying single source drugs covered under such part B during such year; and

''(II) are equal to at least 80 percent of the total expenditures under such part B, as so determined, for all qualifying single source drugs of the manufacturer that are covered under such part B during such year.

''(B) CLARIFICATIONS RELATING TO MANUFACTURERS.—

''(i) AGGREGATION RULE.—All persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as one manufacturer for purposes of this paragraph.

''(ii) LIMITATION.—A qualifying single source drug described in subparagraph (A) shall not include a qualifying single source drug of a manufacturer if such manufacturer is acquired after 2021 by another manufacturer that does not meet the definition of a specified manufacturer under section 1860D–14C(g)(4)(B)(ii)), effective at the beginning of the plan year immediately following such acquisition or, in the case of an acquisition before 2024, effective January 1, 2024.

''(C) DRUGS NOT INCLUDED AS SMALL BIOTECH DRUGS.—The following shall not be considered a qualifying single source drug described in subparagraph (A):

''(i) A vaccine that is licensed under section 351 of the Public Health Service Act and is marketed pursuant to such section.

''(ii) A new formulation, such as an extended release formulation, of a qualifying single source drug.

''(iii) A qualifying single source drug described in subsection (e)(1)(C).

''(3) CLARIFICATIONS AND DETERMINATIONS.—

''(A) PREVIOUSLY SELECTED DRUGS AND SMALL BIOTECH DRUGS EXCLUDED.—In applying clauses (i) and (ii) of paragraph (1)(A), the Secretary shall not consider or count—

''(i) drugs that are already selected drugs; and

''(ii) for initial price applicability years 2025, 2026, and 2027, qualifying single source drugs described in paragraph (2)(A).

''(B) USE OF DATA.—In determining whether a qualifying single source drug satisfies any of the criteria described in paragraph (1) or (2), the Secretary shall use data that is aggregated across dosage forms and strengths of the drug, including new formulations of the drug, such as an extended release formulation, and not based on the specific formulation or package size or package type of the drug.

''(4) PUBLICATION.—Not later than the selected drug publication date with respect to an initial price applicability year, the Secretary shall publish in the Federal Register a list of negotiation-eligible drugs with respect to such selected drug publication date.

''(e) QUALIFYING SINGLE SOURCE DRUG.—

''(1) IN GENERAL.—For purposes of this part, the term 'qualifying single source drug' means, with respect to an initial price applicability year, subject to paragraphs (2) and (3), a covered part D drug (as defined in section 1860D–2(e)) that is described in any of the following or a drug or biological product covered under part B of title XVIII that is described in any of the following:

''(A) DRUG PRODUCTS.—A drug—

''(i) that is approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act and is marketed pursuant to such approval;

''(ii) for which, as of the selected drug publication date with respect to such initial price applicability year, at least 7 years will have elapsed since the date of such approval; and

''(iii) that is not the listed drug for any drug that is approved and marketed under section 505(j) of such Act.

''(B) BIOLOGICAL PRODUCTS.—A biological product—

''(i) that is licensed under section 351(a) of the Public Health Service Act and is marketed under section 351 of such Act;

''(ii) for which, as of the selected drug publication date with respect to such initial price applicability year, at least 11 years will have elapsed since the date of such licensure; and

''(iii) that is not the reference product for any biological product that is licensed and marketed under section 351(k) of such Act.

''(C) INSULIN PRODUCT.—Any insulin product that is approved under section 505 of the Federal Food, Drug, and Cosmetic Act or licensed under section 351 of the Public Health Service Act and marketed pursuant to such approval or licensure, including any insulin product that has been deemed to be licensed under section 351 of the Public Health Service Act pursuant to section 7002(e)(4) of the Biologics Price Competition and Innovation Act of 2009 and is marketed pursuant to such section, regardless of whether such insulin product would be described in subparagraph (A) or (B).

''(2) TREATMENT OF AUTHORIZED GENERIC DRUGS.—

''(A) IN GENERAL.—In the case of a qualifying single source drug described in subparagraph (A) or (B) of paragraph (1) that is the listed drug (as such term is used in section 505(j) of the Federal Food, Drug, and Cosmetic Act) or the reference product (as defined in section 351(i) of the Public Health Service Act), with respect to an authorized generic drug, in applying the provisions of this part, such authorized generic drug and such listed drug or reference product shall be treated as the same qualifying single source drug.

''(B) AUTHORIZED GENERIC DRUG DEFINED.—For purposes of this paragraph, the term 'authorized generic drug' means—

''(i) in the case of a drug, an authorized generic drug (as such term is defined in section 505(t)(3) of the Federal Food, Drug, and Cosmetic Act); and

''(ii) in the case of a biological product, a reference product (as such term is defined in section 351(i) of the Public Health Service Act) that—

''(I) has been licensed under section 351(a) of such Act; and

''(II) is marketed, sold, or distributed directly or indirectly to retail class of trade under a different labeling, packaging (other than repackaging as the reference product in blister packs, unit doses, or similar packaging for use in institutions), product code, labeler code, trade name, or trade mark than the reference product.

''(3) EXCLUSIONS.—In this part, the term 'qualifying single source drug' does not include any of the following:

''(A) CERTAIN ORPHAN DRUGS.—A drug that is designated as a drug for only one rare disease or condition under section 526 of the Federal Food, Drug, and Cosmetic Act and for which the only approved indication (or indications) is for such disease or condition.

''(B) LOW SPEND MEDICARE DRUGS.—A drug or biological product (other than an insulin product described in paragraph (1)(C)) with respect to which the total expenditures under parts B and D of title XVIII, as determined by the Secretary, during the most recent period for which data are available of at least 12 months prior to

the selected drug publication date (but ending no later than October 31 of the year prior to the year of such drug publication date), with respect to such year is less than—

''(i) with respect to 2021, $200,000,000; or

''(ii) with respect to a subsequent year, the dollar amount specified in this subparagraph for the previous year increased by the annual percentage increase in the consumer price index (all items; U.S. city average) as of December of such previous year.

''(f) NO ADMINISTRATIVE OR JUDICIAL REVIEW OF DETERMINATIONS AND SELECTIONS.—The determination of negotiation-eligible drugs under subsection (d) and the selection of drugs under this section are not subject to administrative or judicial review.

''SEC. 1193. MANUFACTURER AGREEMENTS.

''(a) IN GENERAL.—For purposes of section 1191(a)(2), the Secretary shall enter into agreements with manufacturers of selected drugs with respect to a price applicability period, by not later than February 28 following the selected drug publication date with respect to such selected drug, under which—

''(1) during the negotiation period for the initial price applicability year for the selected drug, the Secretary and manufacturer, in accordance with section 1194, negotiate to determine (and, by not later than the last date of such period, agree to) a maximum fair price for such selected drug of the manufacturer in order for the manufacturer to provide access to such price—

''(A) to maximum fair price eligible individuals who with respect to such drug are described in subparagraph (A) of section 1191(c)(1) and are dispensed such drug (and to pharmacies, mail order services, and other dispensers, with respect to such maximum fair price eligible individuals who are dispensed such drugs) during, subject to subparagraph (2), the price applicability period; and

''(B) to hospitals, physicians, and other providers of services and suppliers with respect to maximum fair price eligible individuals who with respect to such drug are described in subparagraph (B) of such section and are furnished or administered such drug during, subject to subparagraph (2), the price applicability period;

''(2) the Secretary and the manufacturer shall, in accordance with section 1194, renegotiate (and, by not later than the last date of such period, agree to) the maximum fair price for such drug, in order for the manufacturer to provide access to such maximum fair price (as so renegotiated)—

''(A) to maximum fair price eligible individuals who with respect to such drug are described in subparagraph (A) of section 1191(c)(1) and are dispensed such drug (and to pharmacies, mail order services, and other dispensers, with respect to such maximum fair price eligible individuals who are dispensed such drugs) during any year during the price applicability period (beginning after such renegotiation) with respect to such selected drug; and

''(B) to hospitals, physicians, and other providers of services and suppliers with respect to maximum fair price eligible individuals who with respect to such drug are described in subparagraph (B) of such section and are furnished or administered such drug during any year described in subparagraph (A);

''(3) access to the maximum fair price (including as renegotiated pursuant to paragraph (2)), with respect to such a selected drug, shall be provided by the manufacturer to—

''(A) maximum fair price eligible individuals, who with respect to such drug are described in subparagraph (A) of section 1191(c)(1), at the pharmacy, mail order service, or other dispenser at the point-of-sale of such drug (and shall be provided by the manufacturer to the pharmacy, mail order service, or other dispenser, with respect to such maximum fair price eligible individuals who are dispensed such drugs), as described in paragraph (1)(A) or (2)(A), as applicable; and

''(B) hospitals, physicians, and other providers of services and suppliers with respect to maximum fair price eligible individuals who with respect to such drug are described in subparagraph (B) of such section and are furnished or administered such drug, as described in paragraph (1)(B) or (2)(B), as applicable;

''(4) the manufacturer, subject to subsection (d), submits to the Secretary, through an online portal established by the Secretary or other form and manner specified by the Secretary, for the negotiation period for the price applicability period (and, if applicable, before any period of renegotiation pursuant to section 1194(f)) with respect to such drug—

''(A) information on the non-Federal average manufacturer price for the drug for the applicable year or period; and

''(B) all other information that the Secretary requires to carry out the negotiation (or renegotiation process) under this part, including information described in section 1194(e)(1); and

''(5) the manufacturer complies with requirements imposed by the Secretary for purposes of administering the program, including with respect to the duties described in section 1196.

''(b) AGREEMENT IN EFFECT UNTIL DRUG IS NO LONGER A SELECTED DRUG.—An agreement entered into under this section shall be effective, with respect to a selected drug, until such drug is no longer considered a selected drug under section 1192(c).

''(c) CONFIDENTIALITY OF INFORMATION.—Information submitted to the Secretary under this part by a manufacturer of a selected drug that is proprietary information of such manufacturer (as determined by the Secretary) shall be used only by the Secretary or disclosed to and used by the Comptroller General of the United States or the Medicare Payment Advisory Commission for purposes of carrying out this part.

''(d) IMPLEMENTATION FOR 2025 AND 2026.—Notwithstanding any other provision of this part, the Secretary shall implement this section for 2025 and 2026 by program instruction or otherwise.

''SEC. 1194. NEGOTIATION AND RENEGOTIATION PROCESS.

''(a) IN GENERAL.—For purposes of this part, under an agreement under section 1193 between the Secretary and a manufacturer of a selected drug, with respect to the period for which such agreement is in effect and in accordance with subsections (b), (c), and (d), the Secretary and the manufacturer—

''(1) shall during the negotiation period with respect to such drug, in accordance with this section, negotiate a maximum fair price for such drug for the purpose described in section 1193(a)(1); and

''(2) renegotiate, in accordance with the process specified pursuant to subsection (f), such maximum fair price for such drug if such drug is a renegotiation-eligible drug under such subsection.

''(b) NEGOTIATION PROCESS REQUIREMENTS.—

''(1) METHODOLOGY AND PROCESS.—The Secretary shall develop and use a consistent methodology and process, in accordance with paragraph (2), for negotiations under subsection (a) that aims to achieve the lowest maximum fair price for each selected drug.

''(2) SPECIFIC ELEMENTS OF NEGOTIATION PROCESS.—As part of the negotiation process under this section, with respect to a selected drug and the negotiation period with respect to the initial price applicability year with respect to such drug, the following shall apply:

''(A) SUBMISSION OF INFORMATION.—Not later than March 1 of the year of the selected drug publication date, with respect to the selected drug, the manufacturer of the drug shall submit to the Secretary, in accordance with section 1193(a)(4), the information described in such section.

''(B) INITIAL OFFER BY SECRETARY.—Not later than the June 1 following the selected drug publication date, the Secretary shall provide the manufacturer of a selected drug with a written initial offer that contains the Secretary's proposal for the maximum fair price of the drug and a list of the considerations described in section 1194(e) that were used in developing such offer.

''(C) RESPONSE TO INITIAL OFFER.—

''(i) IN GENERAL.—Not later than 30 days after the date of receipt of an initial offer under subparagraph (B), the manufacturer shall either accept such offer or propose a counteroffer to such offer.

''(ii) COUNTEROFFER REQUIREMENTS.—If a manufacturer proposes a counteroffer, such counteroffer—

''(I) shall be in writing; and

''(II) shall be justified based on the factors described in subsection (e).

''(D) RESPONSE TO COUNTEROFFER.—After receiving a counteroffer under subparagraph (C), the Secretary shall respond in writing to such counteroffer.

''(E) DEADLINE.—All negotiations shall end prior to the first day of November following the selected drug publication date, with respect to the initial price applicability year.

''(F) LIMITATIONS ON OFFER AMOUNT.—In negotiating the maximum fair price of a selected drug, with respect to an initial price applicability year for the selected drug, and, as applicable, in renegotiating the maximum fair price for such drug, with respect to a subsequent year during the price applicability period for such drug, the Secretary shall not offer (or agree to a counteroffer for) a maximum fair price for the selected drug that—

''(i) exceeds the ceiling determined under subsection (c) for the selected drug and year; or

''(ii) as applicable, is less than the floor determined under subsection (d) for the selected drug and year.

''(G) TREATMENT OF DETERMINATION.—The establishment of a maximum fair price under this section is not subject to administrative or judicial review.

''(c) CEILING FOR MAXIMUM FAIR PRICE.—

''(1) IN GENERAL.—The maximum fair price negotiated under this section for a selected drug, with respect to the first year of the price applicability period with respect to such drug, shall not exceed the applicable percent described in paragraph (2), with respect to such drug, of the following:

''(A) INITIAL PRICE APPLICABILITY YEAR 2025.—In the case of a selected drug with respect to which such initial price applicability year is 2025, the average of the non-Federal average manufacturer price for such drug for the first 3 calendar quarters of 2021 (or, in the case that there is not a non-Federal average manufacturer price available for such drug for any of such first 3 calendar quarters of 2021, for the first full year following the market entry for such drug), increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) from September 2021 (or such first full year following the market entry), as applicable, to the year prior to the selected drug publication date with respect to such initial price applicability year.

''(B) INITIAL PRICE APPLICABILITY YEAR 2026 AND SUBSEQUENT YEARS.—In the case of a selected drug with respect to which such initial price applicability year is 2026 or a subsequent year, the lower of—

''(i) the average of the non-Federal average manufacturer price for such drug for the first 3 calendar quarters of 2021 (or, in the case that there is not a non-Federal average manufacturer price available for such drug for any of such first 3 calendar quarters of 2021, for the first full year following the market entry for such drug), increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) from September 2021 (or such first full year following the market entry), as applicable, to the

year prior to the selected drug publication date with respect to such initial price applicability year; or

''(ii) the non-Federal average manufacturer price for such drug for the year prior to the selected drug publication date with respect to such initial price applicability year.

''(2) APPLICABLE PERCENT DESCRIBED.—For purposes of paragraph (1), the applicable percent described in this paragraph is the following:

''(A) SHORT-MONOPOLY DRUGS.—With respect to a selected drug (other than a post-exclusivity drug and a long-monopoly drug), 75 percent.

''(B) POST-EXCLUSIVITY DRUGS.—With respect to a post-exclusivity drug, 65 percent.

''(C) LONG-MONOPOLY DRUGS.—With respect to a long-monopoly drug, 40 percent.

''(3) POST-EXCLUSIVITY DRUG DEFINED.—

''(A) IN GENERAL.—In this part, subject to subparagraph (B), the term 'post-exclusivity drug' means, with respect to an initial price applicability year, a selected drug for which at least 12 years, but fewer than 16 years, have elapsed since the date of approval of such drug under section 505(c) of the Federal Food, Drug, and Cosmetic Act or since the date of licensure of such drug under section 351(a) of the Public Health Service Act, as applicable.

''(B) EXCLUSIONS.—The term 'post-exclusivity drug' shall not include any of the following:

''(i) A vaccine that is licensed under section 351 of the Public Health Service Act and marketed pursuant to such section.

''(ii) A selected drug that had an agreement under this part with the Secretary prior to the initial price applicability year 2030.

''(C) CLARIFICATION.—Nothing in subparagraph (B)(ii) shall limit the transition of a selected drug described in paragraph (2)(A) to a long-monopoly drug if the selected drug meets the definition of a long-monopoly drug.

''(4) LONG-MONOPOLY DRUG DEFINED.—

''(A) IN GENERAL.—In this part, subject to subparagraph (B), the term 'long-monopoly drug' means, with respect to an initial price applicability year, a selected drug for which at least 16 years have elapsed since the date of approval of such drug under section 505(c) of the Federal Food, Drug, and Cosmetic Act or since the date of licensure of such drug under section 351(a) of the Public Health Service Act, as applicable.

''(B) EXCLUSION.—The term 'long-monopoly drug' shall not include a vaccine that is licensed under section 351 of the Public Health Service Act and marketed pursuant to such section.

''(5) NON-FEDERAL AVERAGE MANUFACTURER PRICE.—In this part, the term 'non-Federal average manufacturer price' has the meaning given such term in section 8126(h)(5) of title 38, United States Code.

''(d) TEMPORARY FLOOR FOR SMALL BIOTECH DRUGS.—In the case of a selected drug that is a qualifying single source drug described in section 1192(d)(2) and with respect to which the first initial price applicability year of the price applicability period with respect to such drug is 2028 or 2029, the maximum fair price negotiated under this section for such drug for such initial price applicability year may not be less than 66 percent of the average of the non-Federal average manufacturer price for such drug (as defined and applied in subsection (c)(4)) for the first 3 calendar quarters of 2021 (or, in the case that there is not a non-Federal average manufacturer price available for such drug for any of such first 3 calendar quarters of 2021, for the first full year following the market entry for such drug), increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) from September 2021 (or such first full year following the market entry), as applicable, to the year prior to the selected drug publication date with respect to the initial price applicability year.

''(e) CONSIDERATIONS.—For purposes of negotiating the maximum fair price of a selected drug under this part with the manufacturer of the drug, the Secretary shall consider the following factors (and, with respect to post-exclusivity drugs and long-monopoly drugs, shall not consider factors other than those described in subparagraphs (B) and (C) of paragraph (1)):

''(1) MANUFACTURER-SPECIFIC INFORMATION.—The following information, with respect to such selected drug, including as submitted by the manufacturer:

''(A) Research and development costs of the manufacturer for the drug and the extent to which the manufacturer has recouped research and development costs.

''(B) Market data for the drug, including the distribution of sales across different programs and purchasers and projected future revenues for the drug.

''(C) Unit costs of production and distribution of the drug.

''(D) Prior Federal financial support for novel therapeutic discovery and development with respect to the drug.

''(E) Data on patents and on existing and pending exclusivity for the drug.

''(F) National sales data for the drug.

''(G) Information on clinical trials for the drug.

''(2) INFORMATION ON UNMET MEDICAL NEEDS AND ALTERNATIVE TREATMENTS.—The following information, with respect to such selected drug:

''(A) The extent to which the drug represents a therapeutic advance as compared to existing therapeutic alternatives and, to the extent such information is available, the costs of such existing therapeutic alternatives.

''(B) Information on approval by the Food and Drug Administration of alternative drug products or biological products.

''(C) Information on comparative effectiveness analysis for such products, taking into consideration the effects of such products on specific populations, such as individuals with disabilities, the elderly, the terminally ill, children, and other patient populations.

''(D) The extent to which the drug addresses unmet medical needs for a condition for which treatment or diagnosis is not addressed adequately by available therapy.

In considering information described in subparagraph (C), the Secretary shall not use evidence or findings from comparative clinical effectiveness research in a manner that treats extending the life of an elderly, disabled, or terminally ill individual as of lower value than extending the life of an individual who is younger, nondisabled, or not terminally ill.

''(3) ADDITIONAL INFORMATION.—Information submitted to the Secretary, in accordance with a process specified by the Secretary, by other parties that are affected by the establishment of a maximum fair price for the selected drug.

''(f) RENEGOTIATION PROCESS.—

''(1) IN GENERAL.—In the case of a renegotiation-eligible drug (as defined in paragraph (2)) that is selected under paragraph (3), the Secretary shall provide for a process of renegotiation (for years (beginning with 2027) during the price applicability period, with respect to such drug) of the maximum fair price for such drug consistent with paragraph (4).

''(2) RENEGOTIATION-ELIGIBLE DRUG DEFINED.—In this section, the term 'renegotiation-eligible drug' means a selected drug that is any of the following:

''(A) ADDITION OF NEW INDICATION.—A selected drug for which a new indication is added to the drug.

''(B) CHANGE OF STATUS TO A POST-EXCLUSIVITY DRUG.—A selected drug that is described in section 1192(d)(1)(A) that—

''(i) is not a post-exclusivity drug or a long-monopoly drug; and

''(ii) for which there is a change in status to that of a post-exclusivity drug.

''(C) CHANGE OF STATUS TO A LONG-MONOPOLY DRUG.—A selected drug that is described in section 1192(d)(1)(A) that—

''(i) is not a long-monopoly drug; and

''(ii) for which there is a change in status to that of a long-monopoly drug.

''(D) MATERIAL CHANGES.—A selected drug for which the Secretary determines there has been a material change of factors described in paragraph (1) or (2) of subsection (e).

''(3) SELECTION OF DRUGS FOR RENEGOTIATION.—Each year the Secretary shall select among renegotiation-eligible drugs for renegotiation as follows:

''(A) ALL POST-EXCLUSIVITY NEGOTIATION-ELIGIBLE DRUGS.—The Secretary shall select all renegotiation-eligible drugs described in paragraph (2)(B).

''(B) ALL LONG-MONOPOLY NEGOTIATION-ELIGIBLE DRUGS.—The Secretary shall select all renegotiation-eligible drugs described in paragraph (2)(C).

''(C) REMAINING DRUGS.—Among the remaining renegotiation-eligible drugs described in subparagraphs (A) and (D) of paragraph (2), the Secretary shall select renegotiation-eligible drugs for which the Secretary expects renegotiation is likely to result in a significant change in the maximum fair price otherwise negotiated.

''(4) RENEGOTIATION PROCESS.—The Secretary shall specify the process for renegotiation of maximum fair prices with the manufacturer of a renegotiation-eligible drug selected for renegotiation under this subsection. Such process shall, to the extent practicable, be consistent with the methodology and process established under subsection (b) and in accordance with subsections (c) and (d), and for purposes of applying subsections (c) and (d), the reference to the first initial price applicability year of the price applicability period with respect to such drug shall be treated as the first initial price applicability year of such period for which the maximum fair price established pursuant to such renegotiation applies, including for applying subsection (c)(2)(B) in the case of renegotiation-eligible drugs described in paragraph (3)(A) of this subsection and subsection (c)(2)(C) in the case of renegotiation-eligible drugs described in paragraph (3)(B) of this subsection.

''(5) CLARIFICATION.—A renegotiation-eligible drug for which the Secretary makes a determination described in section 1192(c)(1) before or during the period of renegotiation shall not be subject to the renegotiation process under this section.

''(6) NO ADMINISTRATIVE OR JUDICIAL REVIEW.—The determination of renegotiation-eligible drugs under paragraph (2) and the selection of renegotiation-eligible drugs under paragraph (3) are not subject to administrative or judicial review.

''(g) REQUEST FOR INFORMATION.—For purposes of negotiating and, as applicable, renegotiating (including for purposes of determining whether to renegotiate) the maximum fair price of a selected drug under this part with the manufacturer of the drug, with respect to a price applicability period, and other relevant data for purposes of this section—

''(1) the Secretary shall, not later than the selected drug publication date with respect to the initial price applicability year of such period, request drug pricing information from the manufacturer of such selected drug, including information described in subsection (e)(1); and

''(2) by not later than March 1 following the selected drug publication date, the manufacturer of such selected drug shall submit to the Secretary such requested information in such form and manner as the Secretary requires.

The Secretary shall request, from the manufacturer or others, all additional information needed to carry out the negotiation and renegotiation process under this section.

(h) CLARIFICATION.—In no case shall the maximum fair price negotiated under this section for a selected drug that is a qualifying single source drug described in subparagraph (A) or (B) of section 1192(e)(1) apply before—

(1) in the case of the selected drug is a qualifying single source drug described in such subparagraph (A), the date that is 9 years after the date on which the drug was approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act; and

(2) in the case the selected drug is a qualifying single source drug described in such subparagraph (B), the date that is 13 years after the date on which the drug was licensed under section 351(a) of the Public Health Service Act.

''(i) IMPLEMENTATION FOR 2025 AND 2026.—Notwithstanding any other provision of this part, the Secretary shall implement this section for 2025 and 2026 by program instruction or otherwise.

''SEC. 1195. PUBLICATION OF MAXIMUM FAIR PRICES.

''(a) IN GENERAL.—With respect to an initial price applicability year and a selected drug with respect to such year—

''(1) not later than November 15 of the year that is 2 years prior to such initial price applicability year, the Secretary shall publish on CMS.gov the maximum fair price for such drug negotiated under this part with the manufacturer of such drug;

''(2) not later than November 30 of the year that is 2 years prior to such initial price applicability year, the Secretary shall publish in the Federal Register the maximum fair price for such drug described in paragraph (1); and

''(3) not later than March 1 of the year prior to such initial price applicability year, the Secretary shall publish in the Federal Register, subject to section 1193(c) and based on the considerations as described in section 1194(e), the explanation for the maximum fair price for such drug described in paragraphs (1) and (2).

''(b) UPDATES.—

''(1) SUBSEQUENT YEAR MAXIMUM FAIR PRICES.—For a selected drug, for each year subsequent to first initial price applicability year of the price applicability period with respect to such drug, with respect to which an agreement for such drug is in effect under section 1193, not later than November 30 of the year that is 2 years prior to such subsequent year, the Secretary shall publish in the Federal Register the maximum fair price applicable to such drug and year, which shall be—

''(A) subject to subparagraph (B), the amount equal to the maximum fair price published for such drug for the previous year, increased by the annual percentage increase in the consumer price index for all urban consumers (all items; U.S. city average) as of September of such previous year; or

''(B) in the case the maximum fair price for such drug was renegotiated, for the first year for which such price as so renegotiated applies, such renegotiated maximum fair price.

''(2) PRICES NEGOTIATED AFTER DEADLINE.—In the case of a selected drug with respect to an initial price applicability year for which the maximum fair price is determined under this part after the date of publication under this section, the Secretary shall publish such maximum fair price in the Federal Register by not later than 30 days after the date such maximum price is so determined.

''SEC. 1196. ADMINISTRATIVE DUTIES; COORDINATION PROVISIONS.

''(a) ADMINISTRATIVE DUTIES.—

''(1) IN GENERAL.—For purposes of section 1191, the administrative duties described in this section are the following:

''(A) The establishment of procedures to ensure that the maximum fair price for a selected drug is applied before—

''(i) any coverage or financial assistance under other health benefit plans or programs that provide coverage or financial assistance for the purchase or provision of prescription drug coverage on behalf of maximum fair price eligible individuals; and

''(ii) any other discounts.

''(B) The establishment of procedures to compute and apply the maximum fair price across different strengths and dosage forms of a selected drug and not based on the specific formulation or package size or package type of the drug.

''(C) The establishment of procedures to carry out the provisions of this part, as applicable, with respect to—

''(i) maximum fair price eligible individuals who are enrolled under a prescription drug plan under part D of title XVIII or an MA–PD plan under part C of such title; and

''(ii) maximum fair price eligible individuals who are enrolled under part B of such title, including who are enrolled under an MA plan under part C of such title.

''(D) The establishment of a negotiation process and renegotiation process in accordance with section 1194, including a process for acquiring information described in subsection (e) of such section.

''(E) The establishment of an online portal which manufacturers shall be required to use to submit information described in section 1194(b)(2)(A).

''(F) The sharing with the Secretary of the Treasury of such information as is necessary to determine the tax imposed by section 4192 of the Internal Revenue Code of 1986 (relating to enforcement of this part).

''(G) The establishment of an attestation and verification process for purposes of applying section 1192(d)(2)(B).

''(2) MONITORING COMPLIANCE.—The Secretary shall monitor compliance by a manufacturer with the terms of an agreement under section 1193, including by establishing a mechanism through which violations of such terms shall be reported.

''(b) IMPLEMENTATION FOR 2025 AND 2026.—Notwithstanding any other provision of this part, the Secretary shall implement this section for 2025 and 2026 by program instruction or otherwise.

''SEC. 1197. CIVIL MONETARY PENALTY.

''(a) VIOLATIONS RELATING TO OFFERING OF MAXIMUM FAIR PRICE.—Any manufacturer of a selected drug that has entered into an agreement under section 1193, with respect to a year during the price applicability period with respect to such drug, that does not provide access to a price that is not more than the maximum fair price (or a lesser price) for such drug for such year—

''(1) to a maximum fair price eligible individual who with respect to such drug is described in subparagraph (A) of section 1191(c)(1) and who is dispensed such drug during such year (and to pharmacies, mail order services, and other dispensers, with respect to such maximum fair price eligible individuals who are dispensed such drugs); or

''(2) to a hospital, physician, or other provider of services or supplier with respect to maximum fair price eligible individuals who with respect to such drug is described in subparagraph (B) of such section and is furnished or administered such drug by such hospital, physician, or provider or supplier during such year;

shall be subject to a civil monetary penalty equal to ten times the amount equal to the product of the number of units of such drug so furnished, dispensed, or administered during such year and the difference between the price for such drug made available for such year by such manufacturer with respect to such individual or hospital, physician, provider of services, or supplier and the maximum fair price for such drug for such year.

''(b) VIOLATIONS OF CERTAIN TERMS OF AGREEMENT.—Any manufacturer of a selected drug that has entered into an agreement under section 1193, with respect to a year during the price applicability period with respect to such drug, that is in violation of a requirement imposed pursuant to section 1193(a)(5), including the requirement to submit information pursuant to section 1193(a)(4), shall be subject to a civil monetary penalty equal to $1,000,000 for each day of such violation.

''(c) FALSE INFORMATION.—Any manufacturer that knowingly provides false information for the attestation process or verification process established pursuant to section 1196(a)(1)(H), shall be subject to a civil monetary penalty equal to $100,000,000 for each item of such false information.

''(d) APPLICATION.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil monetary penalty under this section in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).''.

(b) APPLICATION OF MAXIMUM FAIR PRICES AND CONFORMING AMENDMENTS.—

(1) UNDER MEDICARE.—

(A) APPLICATION TO PAYMENTS UNDER PART B.—Section 1847A(b)(1)(B) of the Social Security Act (42 U.S.C. 1395w–3a(b)(1)(B)) is amended by inserting ''or in the case of such a drug or biological that is a selected drug (as referred to in section 1192(c)), with respect to a price applicability period (as defined in section 1191(b)(2)), 106 percent of the maximum fair price (as defined in section 1191(c)(2)) applicable for such drug and a year during such period'' after ''paragraph (4)''.

(B) APPLICATION UNDER MA OF COST-SHARING FOR PART B DRUGS BASED OFF OF NEGOTIATED PRICE.—Section 1852(a)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395w–22(a)(1)(B)(iv)) is amended—

(i) by redesignating subclause (VII) as subclause (VIII); and

(ii) by inserting after subclause (VI) the following subclause:

''(VII) A drug or biological that is a selected drug (as referred to in section 1192(c)).''.

(C) EXCEPTION TO PART D NON-INTERFERENCE.—Section 1860D–11(i) of the Social Security Act (42 U.S.C. 1395w–111(i)) is amended—

(i) in paragraph (1), by striking ''and'' at the end;

(ii) in paragraph (2), by striking ''or institute a price structure for the reimbursement of covered part D drugs'' and inserting ''for covered part D drugs; and''; and

(iii) by adding at the end the following:

''(3) may not institute a price structure for the reimbursement of covered part D drugs, except as provided under part E of title XI.''.

(D) APPLICATION AS NEGOTIATED PRICE UNDER PART D.—Section 1860D–2(d)(1) of the Social Security Act (42 U.S.C. 1395w–102(d)(1)) is amended—

(i) in subparagraph (B), by inserting '', subject to subparagraph (D),'' after ''negotiated prices''; and

(ii) by adding at the end the following new subparagraph:

''(D) APPLICATION OF MAXIMUM FAIR PRICE FOR SELECTED DRUGS.—In applying this section, in the case of a covered part D drug that is a selected drug (as referred to in section 1192(c)), with respect to a price applicability period (as defined in section 1191(b)(2)), the negotiated prices used for payment (as described in this subsection) shall be no greater than the maximum fair price (as defined in section 1191(c)(2)) for such drug and for each year during such period plus any dispensing fees for such drug.''.

(E) COVERAGE OF SELECTED DRUGS.—Section 1860D–4(b)(3) of the Social Security Act (42 U.S.C. 1395w–104(b)(3)) is amended by adding at the end the following new subparagraph:

''(I) REQUIRED INCLUSION OF SELECTED DRUGS.—For 2025 and each subsequent year, the PDP sponsor offering a prescription drug plan shall include each covered part D drug that is a selected drug under section 1192 for which an agreement for such drug is in effect under section 1193 with respect to the year.''.

(F) INFORMATION FROM PRESCRIPTION DRUG PLANS AND MA–PD PLANS REQUIRED.—

(i) PRESCRIPTION DRUG PLANS.—Section 1860D–12(b) of the Social Security Act (42 U.S.C. 1395w–112(b)) is amended by adding at the end the following new paragraph:

''(8) PROVISION OF INFORMATION RELATED TO MAXIMUM FAIR PRICES.—Each contract entered into with a PDP sponsor under this part with respect to a prescription drug plan offered by such sponsor shall require the sponsor to provide information to the Secretary as requested by the Secretary in accordance with section 1194(g).''.

(ii) MA–PD PLANS.—Section 1857(f)(3) of the Social Security Act (42 U.S.C. 1395w–27(f)(3)) is amended by adding at the end the following new subparagraph:

''(E) PROVISION OF INFORMATION RELATED TO MAXIMUM FAIR PRICES.—Section 1860D–12(b)(8).''.

(2) DRUG PRICE NEGOTIATION PROGRAM PRICES INCLUDED IN BEST PRICE.—Section 1927(c)(1)(C) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(C)) is amended—

(A) in clause (i)(VI), by striking ''any prices charged'' and inserting ''subject to clause (ii)(V), any prices charged''; and

(B) in clause (ii)—

(i) in subclause (III), by striking at the end ''; and'';

(ii) in subclause (IV), by striking at the end the period and inserting ''; and''; and

(iii) by adding at the end the following new subclause:

''(V) in the case of a rebate period and a covered outpatient drug that is a selected drug (as referred to in section 1192(c)) during such rebate period, shall be inclusive of the maximum fair price (as defined in section 1191(c)(2)) for such drug with respect to such period.''.

SEC. 139002. SELECTED DRUG MANUFACTURER EXCISE TAX IMPOSED DURING NONCOMPLIANCE PERIODS.

(a) IN GENERAL.—Chapter 32 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subchapter:

''Subchapter E—Other Items

''Sec. 4192. Selected drugs during noncompliance periods.

''SEC. 4192. SELECTED DRUGS DURING NONCOMPLIANCE PERIODS.

''(a) IN GENERAL.—There is hereby imposed on the sale by the manufacturer, producer, or importer of any selected drug during a day described in subsection (b) a tax in an amount such that the applicable percentage is equal to the ratio of—

''(1) such tax, divided by

''(2) the sum of such tax and the price for which so sold.

''(b) NONCOMPLIANCE PERIODS.—A day is described in this subsection with respect to a selected drug if it is a day during one of the following periods:

''(1) The period beginning on the March 1st immediately following the selected drug publication date and ending on the first date during which the manufacturer of the drug has in place an agreement described in subsection (a) of section 1193 of the Social Security Act with respect to such drug.

''(2) The period beginning on the November 2nd immediately following the March 1st described in paragraph (1) and ending on the first date during which the manufacturer of the drug and the Secretary have agreed to a maximum fair price under such agreement.

''(3) In the case of a selected drug with respect to which the Secretary of Health and Human Services has specified a renegotiation period under such agreement, the period beginning on the first date after the last date of such renegotiation period and ending on the first date during which the manufacturer of the drug has agreed to a renegotiated maximum fair price under such agreement.

''(4) With respect to information that is required to be submitted to the Secretary of Health and Human Services under such agreement, the period beginning on the date on which such Secretary certifies that such information is overdue and ending on the date that such information is so submitted.

''(c) APPLICABLE PERCENTAGE.—For purposes of this section, the term 'applicable percentage' means—

''(1) in the case of sales of a selected drug during the first 90 days described in subsection (b) with respect to such drug, 65 percent,

''(2) in the case of sales of such drug during the 91st day through the 180th day described in subsection (b) with respect to such drug, 75 percent,

''(3) in the case of sales of such drug during the 181st day through the 270th day described in subsection (b) with respect to such drug, 85 percent, and

''(4) in the case of sales of such drug during any subsequent day, 95 percent.

''(d) SELECTED DRUG.—For purposes of this section—

''(1) IN GENERAL.—The term 'selected drug' means any selected drug (within the meaning of section 1192 of the Social Security Act) which is manufactured or produced in the United States or entered into the United States for consumption, use, or warehousing.

''(2) UNITED STATES.—The term 'United States' has the meaning given such term by section 4612(a)(4).

''(3) COORDINATION WITH RULES FOR POSSESSIONS OF THE UNITED STATES.—Rules similar to the rules of paragraphs (2) and (4) of section 4132(c) shall apply for purposes of this section.

''(e) OTHER DEFINITIONS.—For purposes of this section, the terms 'selected drug publication date' and 'maximum fair price' have the meaning given such terms in section 1191 of the Social Security Act.

''(f) ANTI-ABUSE RULE.—In the case of a sale which was timed for the purpose of avoiding the tax imposed by this section, the Secretary may treat such sale as occurring during a day described in subsection (b).''.

(b) NO DEDUCTION FOR EXCISE TAX PAYMENTS.—Section 275(a)(6) of the Internal Revenue Code of 1986 is amended by inserting ''or by section 4192'' before the period at the end.

(c) CERTAIN EXEMPTIONS FROM TAX NOT APPLICABLE.—

(1) Section 4221(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following: ''In the case of the tax imposed by section 4192, paragraphs (3), (4), (5), and (6) shall not apply.''.

(2) Section 6416(b)(2) of such Code is amended by adding at the end the following: ''In the case of the tax imposed by section 4192, subparagraphs (B), (C), (D), and (E) shall not apply.''.

(d) CLERICAL AMENDMENT.—The table of subchapters for chapter 32 of such Code is amended by adding at the end the following new item:

''SUBCHAPTER E. OTHER ITEMS''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after the date of the enactment of this Act.

SEC. 139003. FUNDING.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until expended—

(1) $300,000,000 to carry out the provisions of, including the amendments made by, this part in fiscal year 2022;

(2) $300,000,000 to carry out the provisions of, including the amendments made by, this part in fiscal year 2023;

(3) $300,000,000 to carry out the provisions of, including the amendments made by, this part in fiscal year 2024;

(4) $300,000,000 to carry out the provisions of, including the amendments made by, this part in fiscal year 2025;

(5) $300,000,000 to carry out the provisions of, including the amendments made by, this part in fiscal year 2026;

(6) $300,000,000 to carry out the provisions of, including the amendments made by, this part in fiscal year 2027;

(7) $300,000,000 to carry out the provisions of, including the amendments made by, this part in fiscal year 2028;

(8) $300,000,000 to carry out the provisions of, including the amendments made by, this part in fiscal year 2029;

(9) $300,000,000 to carry out the provisions of, including the amendments made by, this part in fiscal year 2030; and

(10) $300,000,000 to carry out the provisions of, including the amendments made by, this part in fiscal year 2031.

PART 2—PRESCRIPTION DRUG INFLATION REBATES

SEC. 139101. MEDICARE PART B REBATE BY MANUFACTURERS.

(a) IN GENERAL.—Section 1847A of the Social Security Act (42 U.S.C. 1395w–3a) is amended—

(1) by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following subsection:

''(h) REBATE BY MANUFACTURERS FOR SINGLE SOURCE DRUGS AND BIOLOGICALS WITH PRICES INCREASING FASTER THAN INFLATION.—

''(1) REQUIREMENTS.—

''(A) SECRETARIAL PROVISION OF INFORMATION.—Not later than 6 months after the end of each calendar quarter beginning on or after July 1, 2023, the Secretary shall, for each part B rebatable drug, report to each manufacturer of such part B rebatable drug the following for such calendar quarter:

''(i) Information on the total number of billing units of the billing and payment code described in subparagraph (A)(i) of paragraph (3) with respect to such drug and calendar quarter.

''(ii) Information on the amount (if any) of the excess average sales price increase described in subparagraph (A)(ii) of such paragraph for such drug and calendar quarter.

''(iii) The rebate amount specified under such paragraph for such part B rebatable drug and calendar quarter.

''(B) MANUFACTURER REQUIREMENT.—For each calendar quarter beginning on or after July 1, 2023, the manufacturer of a part B rebatable drug shall, for such drug, not later than 30 days after the date of receipt from the Secretary of the information described in subparagraph (A) for such calendar quarter, provide to the Secretary a rebate that is equal to the amount specified in paragraph (3) for such drug for such calendar quarter.

''(2) PART B REBATABLE DRUG DEFINED.—

''(A) IN GENERAL.—In this subsection, the term 'part B rebatable drug' means a single source drug or biological (as defined in subparagraph (D) of subsection (c)(6)), including a biosimilar biological product (as defined in subparagraph (H) of such subsection) but excluding a qualifying biosimilar biological product (as defined in subsection (b)(8)(B)(iii)), that would be payable under this part if such drug were furnished to an individual enrolled under this part, except such term shall not include such a drug or biological—

''(i) if, as determined by the Secretary, the average total allowed charges for such drug or biological under this part for a year per individual that uses such a drug or biological are less than, subject to subparagraph (B), $100; or

''(ii) that is a vaccine described in subparagraph (A) or (B) of section 1861(s)(10).

''(B) INCREASE.—The dollar amount applied under subparagraph (A)(i)—

''(i) for 2024, shall be the dollar amount specified under such subparagraph for 2023, increased by the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period ending with June of the previous year; and

''(ii) for a subsequent year, shall be the dollar amount specified in this clause (or clause (i)) for

the previous year (without application of subparagraph (C)), increased by the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period ending with June of the previous year.

''(C) ROUNDING.—Any dollar amount determined under subparagraph (B) that is not a multiple of $10 shall be rounded to the nearest multiple of $10.

''(3) REBATE AMOUNT.—

''(A) IN GENERAL.—For purposes of paragraph (1), the amount specified in this paragraph for a part B rebatable drug assigned to a billing and payment code for a calendar quarter is, subject to subparagraphs (B) and (G) and paragraph (4), the amount equal to the product of—

''(i) the total number of billing units determined under subparagraph (B) for the billing and payment code of such drug; and

''(ii) the amount (if any) by which—

''(I) the amount equal to—

''(aa) in the case of a part B rebatable drug described in paragraph (1)(B) of section 1847A(b), 106 percent of the amount determined under paragraph (4) of such section for such drug during the calendar quarter; or

''(bb) in the case of a part B rebatable drug described in paragraph (1)(C) of such section, the payment amount under such paragraph for such drug during the calendar quarter; exceeds

''(II) the inflation-adjusted payment amount determined under subparagraph (C) for such part B rebatable drug during the calendar quarter.

''(B) TOTAL NUMBER OF BILLING UNITS.—For purposes of subparagraph (A)(i), the total number of billing units with respect to a part B rebatable drug is determined as follows:

''(i) Determine the total number of units equal to—

''(I) the total number of units, as reported under subsection (c)(1)(B) for each National Drug Code of such drug during the calendar quarter that is two calendar quarters prior to the calendar quarter as described in subparagraph (A), minus

''(II) the total number of units with respect to each National Drug Code of such drug for which payment was made under a State plan under title XIX (or waiver of such plan), as reported by States under section 1927(b)(2)(A) for the rebate period that is the same calendar quarter as described in subclause (I).

''(ii) Convert the units determined under clause (i) to billing units for the billing and payment code of such drug, using a methodology similar to the methodology used under this section, by dividing the units determined under clause (i) for each National Drug Code of such drug by the billing unit for the billing and payment code of such drug.

''(iii) Compute the sum of the billing units for each National Drug Code of such drug in clause (ii).

''(C) DETERMINATION OF INFLATION-ADJUSTED PAYMENT AMOUNT.—The inflation-adjusted payment amount determined under this subparagraph for a part B rebatable drug for a calendar quarter is—

''(i) the payment amount for the billing and payment code for such drug in the payment amount benchmark quarter (as defined in subparagraph (D)); increased by

''(ii) the percentage by which the rebate period CPI–U (as defined in subparagraph (F)) for the calendar quarter exceeds the benchmark period CPI–U (as defined in subparagraph (E)).

''(D) PAYMENT AMOUNT BENCHMARK QUARTER.—The term 'payment amount benchmark quarter' means the calendar quarter immediately prior to the calendar quarter beginning October 1, 2021.

''(E) BENCHMARK PERIOD CPI–U.—The term 'benchmark period CPI–U' means the consumer price index for all urban consumers (United States city average) for the last month of the calendar quarter immediately prior to the calendar quarter beginning October 1, 2021.

''(F) REBATE PERIOD CPI–U.—The term 'rebate period CPI–U' means, with respect to a calendar quarter described in subparagraph (C), the greater of the benchmark period CPI–U and the consumer price index for all urban consumers (United States city average) for the first month of the calendar quarter that is two calendar quarters prior to such described calendar quarter.

''(G) EXEMPTION FOR SHORTAGES AND SEVERE SUPPLY CHAIN DISRUPTIONS.—The Secretary shall reduce or waive the amount under subparagraph (A) with respect to a part B rebatable drug that is described as currently in shortage on the shortage list in effect under section 506E of the Federal Food, Drug, and Cosmetic Act or in the case of a biosimilar biological product, when the Secretary determines there are severe supply chain disruptions.

''(4) SPECIAL TREATMENT OF CERTAIN DRUGS AND EXEMPTION.—

''(A) SUBSEQUENTLY APPROVED DRUGS.—In the case of a part B rebatable drug first approved or licensed by the Food and Drug Administration after March 1, 2021, clause (i) of paragraph (3)(C) shall be applied as if the term 'payment amount benchmark quarter' were defined under paragraph (3)(D) as the third full calendar quarter after the day on which the drug was first marketed and clause (ii) of paragraph (3)(C) shall be applied as if the term 'benchmark period CPI–U' were defined under paragraph (3)(E) as if the reference to 'the last month of the calendar quarter immediately prior to the calendar quarter beginning October 1, 2021' under such paragraph were a reference to 'the first month of the first full calendar quarter after the day on which the drug was first marketed'.

''(B) TIMELINE FOR PROVISION OF REBATES FOR SUBSEQUENTLY APPROVED DRUGS.—In the case of a part B rebatable drug first approved or licensed by the Food and Drug Administration after March 1, 2021, paragraph (1)(B) shall be applied as if the reference to 'July 1, 2023' under such paragraph were a reference to the later of the 6th full calendar quarter after the day on which the drug was first marketed or July 1, 2023.

''(D) SELECTED DRUGS.—In the case of a part B rebatable drug that is a selected drug (as defined in section 1192(c)) for a price applicability period (as defined in section 1191(b)(2)), in the case such drug is determined (pursuant to such section 1192(c)) to no longer be a selected drug, beginning the first calendar quarter after the price applicability period with respect to such drug, clause (i) of paragraph (3)(C) shall be applied as if the term 'payment amount benchmark quarter' were defined under paragraph (3)(D) as the calendar quarter beginning January 1 of the last year beginning during such price applicability period with respect to such selected drug and clause (ii) of paragraph (3)(C) shall be applied as if the term 'benchmark period CPI–U' were defined under paragraph (3)(E) as if the reference to 'the last month of the calendar quarter immediately prior to the calendar quarter beginning October 1, 2021' under such paragraph were a reference to the March of the year preceding such last year.

''(5) APPLICATION TO BENEFICIARY COINSURANCE.—In the case of a part B rebatable drug, if the payment amount described in paragraph (3)(A)(ii)(I) (or, in the case of a part B rebatable drug that is a selected drug (as defined in section 1192(c), the payment amount described in subsection (b)(1)(B) for such drug) for a calendar quarter exceeds the inflation adjusted payment for such quarter—

''(A) in computing the amount of any coinsurance applicable under this part to an individual to whom such drug is furnished, the computation of such coinsurance shall be equal to 20 percent of the inflation-adjusted payment amount determined under paragraph (3)(C) for such part B rebatable drug; and

''(B) the amount of such coinsurance for such calendar quarter, as computed under subparagraph (A), shall be applied as a percent, as determined by the Secretary, to the payment amount that would otherwise apply under subparagraphs (B) or (C) of subsection (b)(1).

''(6) REBATE DEPOSITS.—Amounts paid as rebates under paragraph (1)(B) shall be deposited into the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

''(7) CIVIL MONEY PENALTY.—If a manufacturer of a part B rebatable drug has failed to comply with the requirements under paragraph (1)(B) for such drug for a calendar quarter, the manufacturer shall be subject to, in accordance with a process established by the Secretary pursuant to regulations, a civil money penalty in an amount equal to at least 125 percent of the amount specified in paragraph (3) for such drug for such calendar quarter. The provisions of section 1128A (other than subsections (a) (with respect to amounts of penalties or additional assessments) and (b)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).''; and

(2) in subsection (i), as redesignated by paragraph (1)—

(A) in paragraph (4), by striking at the end ''and'';

(B) in paragraph (5), by striking at the end the period and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(6) the determination of units under subsection (h);

''(7) the determination of whether a drug is a part B rebatable drug under subsection (h);

''(8) the calculation of the rebate amount under subsection (h); and

''(9) the computation of coinsurance under subsection (h)(5); and

''(10) the computation of amounts paid under section 1833(a)(1)(EE).''.

(b) AMOUNTS PAYABLE; COST-SHARING.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (G), by inserting '', subject to subsection (i)(9),'' after ''the amounts paid'';

(B) in subparagraph (S), by striking ''with respect to'' and inserting ''subject to subparagraph (EE), with respect to'';

(C) by striking ''and (DD)'' and inserting ''(DD)''; and

(D) by inserting before the semicolon at the end the following: '', and (EE) with respect to a part B rebatable drug (as defined in paragraph (2) of section 1847A(h)) for which the payment amount for a calendar quarter under paragraph (3)(A)(ii)(I) of such section (or, in the case of a part B rebatable drug that is a selected drug (as defined in section 1192(c) for which, the payment amount described in section 1847A(b)(1)(B)) for such drug for such quarter exceeds the inflation-adjusted payment under paragraph (3)(A)(ii)(II) of such section for such quarter, the amounts paid shall be equal to the percent of the payment amount under paragraph (3)(A)(ii)(I) of such section or section 1847A(b)(1)(B), as applicable, that equals the difference between (i) 100 percent, and (ii) the percent applied under section 1847A(h)(5)(B)'';

(2) in subsection (i), by adding at the end the following new paragraph:

''(9) In the case of a part B rebatable drug (as defined in paragraph (2) of section 1847A(h)) for which payment under this subsection is not packaged into a payment for a service furnished on or after July 1, 2023, under the revised payment system under this subsection, in lieu of calculation of coinsurance and the amount of payment otherwise applicable under this subsection, the provisions of section 1847A(h)(5) and paragraph (1)(EE) of subsection (a), shall, as determined appropriate by the Secretary, apply under this subsection in the same manner as such provisions of section 1847A(h)(5) and subsection (a) apply under such section and subsection.''; and

(3) in subsection (t)(8), by adding at the end the following new subparagraph:

''(F) PART B REBATABLE DRUGS.—In the case of a part B rebatable drug (as defined in paragraph (2) of section 1847A(h), except if such drug does not have a copayment amount as a result of application of subparagraph (E)) for which payment under this part is not packaged into a payment for a covered OPD service (or group of services) furnished on or after July 1, 2023, and the payment for such drug under this subsection is the same as the amount for a calendar quarter under paragraph (3)(A)(ii)(I) of section 1847A(h), under the system under this subsection, in lieu of calculation of the copayment amount and the amount of payment otherwise applicable under this subsection (other than the application of the limitation described in subparagraph (C)), the provisions of section 1847A(h)(5) and paragraph (1)(EE) of subsection (a), shall, as determined appropriate by the Secretary, apply under this subsection in the same manner as such provisions of section 1847A(h)(5) and subsection (a) apply under such section and subsection.''.

(c) CONFORMING AMENDMENTS.—

(1) TO PART B ASP CALCULATION.—Section 1847A(c)(3) of the Social Security Act (42 U.S.C. 1395w–3a(c)(3)) is amended by inserting ''subsection (h) or'' before ''section 1927''.

(2) EXCLUDING PART B DRUG INFLATION REBATE FROM BEST PRICE.—Section 1927(c)(1)(C)(ii)(I) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(C)(ii)(I)) is amended by inserting ''or section 1847A(h)'' after ''this section''.

(3) COORDINATION WITH MEDICAID REBATE INFORMATION DISCLOSURE.—Section 1927(b)(3)(D)(i) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)(D)(i)) is amended by inserting ''and the rebate'' after ''the payment amount''.

(4) EXCLUDING PART B DRUG INFLATION REBATES FROM AVERAGE MANUFACTURER PRICE.—Section 1927(k)(1)(B)(i) of the Social Security Act (42 U.S.C. 1396r–8(k)(1)(B)(i)), as previously amended, is further amended—

(A) in subclause (IV), by striking ''and'';

(B) in subclause (V), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subclause:

''(VI) rebates paid by manufacturers under section 1847A(h); and''.

(d) FUNDING.—In addition to amounts otherwise available, there are appropriated to the Centers for Medicare & Medicaid Services, out of any money in the Treasury not otherwise appropriated, $12,500,000 for fiscal year 2022 and $7,500,000 for each of fiscal years 2023 through 2031, to remain available until expended, to carry out the provisions of, including the amendments made by, this section.

SEC. 139102. MEDICARE PART D REBATE BY MANUFACTURERS.

(a) IN GENERAL.—Part D of title XVIII of the Social Security Act is amended by inserting after section 1860D–14A (42 U.S.C. 1395w–114a) the following new section:

''SEC. 1860D–14B. MANUFACTURER REBATE FOR CERTAIN DRUGS WITH PRICES INCREASING FASTER THAN INFLATION.

''(a) REQUIREMENTS.—

''(1) SECRETARIAL PROVISION OF INFORMATION.—Not later than 9 months after the end of each applicable year (as defined in subsection (g)(7)), subject to paragraph (3), the Secretary shall, for each part D rebatable drug, report to each manufacturer of such part D rebatable drug the following for such year:

''(A) The amount (if any) of the excess annual manufacturer price increase described in subsection (b)(1)(A)(ii) for each dosage form and strength with respect to such drug and year.

''(B) The rebate amount specified under subsection (b) for each dosage form and strength with respect to such drug and year.

''(2) MANUFACTURER REQUIREMENTS.—For each applicable year, the manufacturer of a part D rebatable drug, for each dosage form and strength with respect to such drug, not later than 30 days after the date of receipt from the Secretary of the information described in paragraph (1) for such year, shall provide to the Secretary a rebate that is equal to the amount specified in subsection (b) for such dosage form and strength with respect to such drug for such year.

''(3) TRANSITION RULE FOR REPORTING.—The Secretary may, for each rebatable covered part D drug, delay the timeframe for reporting the information and rebate amount described in subparagraphs (A) and (B) of such paragraph for the applicable year of 2023 until not later than September 30, 2025.

''(b) REBATE AMOUNT.—

''(1) IN GENERAL.—

''(A) CALCULATION.—For purposes of this section, the amount specified in this subsection for a dosage form and strength with respect to a part D rebatable drug and applicable year is, subject to subparagraph (C), paragraph (5)(B), and paragraph (6), the amount equal to the product of—

''(i) subject to subparagraph (B) of this paragraph, the total number of units that are used to calculate the average manufacturer price of such dosage form and strength with respect to such part D rebatable drug, as reported by the manufacturer of such drug under section 1927 for each month, with respect to such year; and

''(ii) the amount (if any) by which—

''(I) the annual manufacturer price (as determined in paragraph (2)) paid for such dosage form and strength with respect to such part D rebatable drug for the year; exceeds

''(II) the inflation-adjusted payment amount determined under paragraph (3) for such dosage form and strength with respect to such part D rebatable drug for the year.

''(B) EXCLUDED UNITS.—For purposes of subparagraph (A)(i), the Secretary shall exclude from the total number of units for a dosage form and strength with respect to a part D rebatable drug, with respect to an applicable year, the following:

''(i) Units of each dosage form and strength of such part D rebatable drug for which payment was made under a State plan under title XIX (or waiver of such plan), as reported by States under section 1927(b)(2)(A).

''(ii) Units of each dosage form and strength of such part D rebatable drug for which a rebate is paid under section 1847A(h).

''(C) EXEMPTION FOR SHORTAGES AND SEVERE SUPPLY CHAIN DISRUPTIONS.—The Secretary shall reduce or waive the amount under subparagraph (A) with respect to a part D rebatable drug that is described as currently in shortage on the shortage list in effect under section 506E of the Federal Food, Drug, and Cosmetic Act or in the case of a generic drug, when the Secretary determines there are severe supply chain disruptions.

''(2) DETERMINATION OF ANNUAL MANUFACTURER PRICE.—The annual manufacturer price determined under this paragraph for a dosage form and strength, with respect to a part D rebatable drug and an applicable year, is the sum of the products of—

''(A) the average manufacturer price (as defined in subsection (g)(6)) of such dosage form and strength, as calculated for a unit of such drug, with respect to each of the calendar quarters of such year; and

''(B) the ratio of—

''(i) the total number of units of such dosage form and strength reported under section 1927 with respect to each such calendar quarter of such year; to

''(ii) the total number of units of such dosage form and strength reported under section 1927 with respect to such year, as determined by the Secretary.

''(3) DETERMINATION OF INFLATION-ADJUSTED PAYMENT AMOUNT.—The inflation-adjusted payment amount determined under this paragraph for a dosage form and strength with respect to a part D rebatable drug for an applicable year, subject to paragraph (5), is—

''(A) the benchmark year manufacturer price determined under paragraph (4) for such dosage form and strength with respect to such drug and year; increased by

''(B) the percentage by which the applicable year CPI–U (as defined in subsection (g)(5)) for the year exceeds the benchmark period CPI–U (as defined in subsection (g)(4)).

''(4) DETERMINATION OF BENCHMARK YEAR MANUFACTURER PRICE.—The benchmark year manufacturer price determined under this paragraph for a dosage form and strength, with respect to a part D rebatable drug and an applicable year, is the sum of the products of—

''(A) the average manufacturer price (as defined in subsection (g)(6)) of such dosage form and strength, as calculated for a unit of such drug, with respect to each of the calendar quarters of the payment amount benchmark year (as defined in subsection (g)(3)); and

''(B) the ratio of—

''(i) the total number of units reported under section 1927 of such dosage form and strength with respect to each such calendar quarter of such payment amount benchmark year; to

''(ii) the total number of units reported under section 1927 of such dosage form and strength with respect to such payment amount benchmark year.

''(5) SPECIAL TREATMENT OF CERTAIN DRUGS AND EXEMPTION.—

''(A) SUBSEQUENTLY APPROVED DRUGS.—In the case of a part D rebatable drug first approved or licensed by the Food and Drug Administration after October 1, 2021, subparagraphs (A) and (B) of paragraph (4) shall be applied as if the term 'payment amount benchmark year' were defined under subsection (g)(3) as the first calendar year beginning after the day on which the drug was first marketed by any manufacturer and subparagraph (B) of paragraph (3) shall be applied as if the term 'benchmark period CPI–U' were defined under subsection (g)(4) as if the reference to 'the month immediately prior to October 2021' under such subsection were a reference to 'January of the first year beginning after the date on which the drug was first marketed by any manufacturer'.

''(B) TREATMENT OF NEW FORMULATIONS.—

''(i) IN GENERAL.—In the case of a part D rebatable drug that is a line extension of a part D rebatable drug that is an oral solid dosage form, the Secretary shall establish a formula for determining the rebate amount under paragraph (1) and the inflation adjusted payment amount under paragraph (3) with respect to such part D rebatable drug and an applicable year, consistent with the formula applied under subsection (c)(2)(C) of section 1927 for determining a rebate obligation for a rebate period under such section.

''(ii) LINE EXTENSION DEFINED.—In this subparagraph, the term 'line extension' means, with respect to a part D rebatable drug, a new formulation of the drug, such as an extended release formulation, but does not include an abuse-deterrent formulation of the drug (as determined by the Secretary), regardless of whether such abuse-deterrent formulation is an extended release formulation.

''(C) SELECTED DRUGS.—In the case of a part D rebatable drug that is a selected drug (as defined in section 1192(c)) for a price applicability period (as defined in section 1191(b)(2)), in the case such drug is determined (pursuant to such section 1192(c)) to no longer be a selected drug, for each applicable year beginning after the price applicability period with respect to such drug, subparagraphs (A) and (B) of paragraph (4) shall be applied as if the term 'payment amount benchmark year' were defined under subsection (g)(3) as the last year beginning during such price applicability period with respect to such selected drug and subparagraph (B) of paragraph (3) shall be applied as if the term

'benchmark period CPI–U' were defined under subsection (g)(4) as if the reference to 'the month immediately prior to October 2021' under such subsection were a reference to January of the last year beginning during such price applicability period with respect to such drug.

''(6) RECONCILIATION IN CASE OF REVISED AMP REPORTS.—The Secretary shall provide for a method and process under which, in the case of a manufacturer of a part D rebatable drug that submits revisions to information submitted under section 1927 by the manufacturer with respect to such drug, the Secretary determines, pursuant to such revisions, adjustments, if any, to the calculation of the amount specified in this subsection for a dosage form and strength with respect to such part D rebatable drug and an applicable year and reconciles any overpayments or underpayments in amounts paid as rebates under this subsection. Any identified underpayment shall be rectified by the manufacturer not later than 30 days after the date of receipt from the Secretary of information on such underpayment.

''(c) REBATE DEPOSITS.—Amounts paid as rebates under subsection (b) shall be deposited into the Medicare Prescription Drug Account in the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

''(d) INFORMATION.—For purposes of carrying out this section, the Secretary shall use information submitted by manufacturers under section 1927(b)(3) and information submitted by States under section 1927(b)(2)(A).

''(e) CIVIL MONEY PENALTY.—If a manufacturer of a part D rebatable drug has failed to comply with the requirement under subsection (a)(2) with respect to such drug for an applicable year, the manufacturer shall be subject to, in accordance with a process established by the Secretary pursuant to regulations, a civil money penalty in an amount equal to 125 percent of the amount specified in subsection (b) for such drug for such year. The provisions of section 1128A (other than subsections (a) (with respect to amounts of penalties or additional assessments) and (b)) shall apply to a civil money penalty under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(f) NO ADMINISTRATIVE OR JUDICIAL REVIEW.—There shall be no administrative or judicial review of the following:

''(1) The determination of units under this section.

''(2) The determination of whether a drug is a part D rebatable drug under this section.

''(3) The calculation of the rebate amount under this section.

''(g) DEFINITIONS.—In this section:

''(1) PART D REBATABLE DRUG.—

''(A) IN GENERAL.—The term 'part D rebatable drug' means a drug or biological that would (without application of this section) be a covered part D drug, except such term shall, with respect to an applicable year, not include such a drug or biological if the average annual total cost under this part for such year per individual who uses such a drug or biological, as determined by the Secretary, is less than, subject to subparagraph (B), $100, as determined by the Secretary using the most recent data available or, if data is not available, as estimated by the Secretary.

''(B) INCREASE.—The dollar amount applied under subparagraph (A)—

''(i) for 2024, shall be the dollar amount specified under such subparagraph for 2023, increased by the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period beginning with January of 2023; and

''(ii) for a subsequent year, shall be the dollar amount specified in this subparagraph for the previous year, increased by the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period beginning with January of the previous year.

Any dollar amount specified under this subparagraph that is not a multiple of $10 shall be rounded to the nearest multiple of $10.

''(2) UNIT.—The term 'unit' means, with respect to a part D rebatable drug, the lowest dispensable amount (such as a capsule or tablet, milligram of molecules, or grams) of the part D rebatable drug, as reported under section 1927.

''(3) PAYMENT AMOUNT BENCHMARK YEAR.—The term 'payment amount benchmark year' means the year ending in the month immediately prior to October 1, 2021.

''(4) BENCHMARK PERIOD CPI–U.—The term 'benchmark period CPI–U' means the consumer price index for all urban consumers (United States city average) for the month immediately prior to October 2021.

''(5) APPLICABLE YEAR CPI–U.—The term 'applicable year CPI–U' means, with respect to an applicable year, the consumer price index for all urban consumers (United States city average) for January of such year.

''(6) AVERAGE MANUFACTURER PRICE.—The term 'average manufacturer price' has the meaning, with respect to a part D rebatable drug of a manufacturer, given such term in section 1927(k)(1), with respect to a covered outpatient drug of a manufacturer for a rebate period under section 1927.

''(7) APPLICABLE YEAR.—The term 'applicable year' means a calendar year beginning with 2023.

''(h) IMPLEMENTATION FOR 2023 AND 2024.—Notwithstanding any other provision of this section, the Secretary shall implement this section for 2023 and 2024 by program instruction or otherwise.''.

(b) CONFORMING AMENDMENTS.—

(1) TO PART B ASP CALCULATION.—Section 1847A(c)(3) of the Social Security Act (42 U.S.C. 1395w–3a(c)(3)), as amended by section 139101(c)(1), is further amended by striking ''subsection (h) or section 1927'' and inserting ''subsection (h), section 1927, or section 1860D–14B''.

(2) EXCLUDING PART D DRUG INFLATION REBATE FROM BEST PRICE.—Section 1927(c)(1)(C)(ii)(I) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(C)(ii)(I)), as amended by section 139101(c)(2), is further amended by striking ''or section 1847A(h)'' and inserting '', section 1847A(h), or section 1860D–14B''.

(3) COORDINATION WITH MEDICAID REBATE INFORMATION DISCLOSURE.—Section 1927(b)(3)(D)(i) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)(D)(i)), as amended by section 139101(c)(3), is further amended by striking ''or to carry out section 1847B'' and inserting ''or to carry out section 1847B or section 1860D–14B''.

(4) EXCLUDING PART D DRUG INFLATION REBATES FROM AVERAGE MANUFACTURER PRICE.—Section 1927(k)(1)(B)(i) of the Social Security Act (42 U.S.C. 1396r–8(k)(1)(B)(i)), as previously amended, is further amended by adding at the end the following new subclause:

''(VII) rebates paid by manufacturers under section 1860D-14B.''.

(c) FUNDING.—In addition to amounts otherwise available, there are appropriated to the Centers for Medicare & Medicaid Services, out of any money in the Treasury not otherwise appropriated, $12,500,000 for fiscal year 2022 and $7,500,000 for each of fiscal years 2023 through 2031, to remain available until expended, to carry out the provisions of, including the amendments made by, this section.

PART 3—PART D IMPROVEMENTS AND MAXIMUM OUT-OF-POCKET CAP FOR MEDICARE BENEFICIARIES

SEC. 139201. MEDICARE PART D BENEFIT REDESIGN.

(a) BENEFIT STRUCTURE REDESIGN.—Section 1860D–2(b) of the Social Security Act (42 U.S.C. 1395w–102(b)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), in the matter preceding clause (i), by inserting ''for a year preceding 2024 and for costs above the annual deductible specified in paragraph (1) and up to the annual out-of-pocket threshold specified in paragraph (4)(B) for 2024 and each subsequent year'' after ''paragraph (3)'';

(B) in subparagraph (C)—

(i) in clause (i), in the matter preceding subclause (I), by inserting ''for a year preceding 2024,'' after ''paragraph (4),''; and

(ii) in clause (ii)(III), by striking ''and each subsequent year'' and inserting ''through 2023''; and

(C) in subparagraph (D)—

(i) in clause (i)—

(I) in the matter preceding subclause (I), by inserting ''for a year preceding 2024,'' after ''paragraph (4),''; and

(II) in subclause (I)(bb), by striking ''a year after 2018'' and inserting ''each of years 2019 through 2023''; and

(ii) in clause (ii)(V), by striking ''2019 and each subsequent year'' and inserting ''each of years 2019 through 2023'';

(2) in paragraph (3)(A)—

(A) in the matter preceding clause (i), by inserting ''for a year preceding 2024,'' after ''and (4),''; and

(B) in clause (ii), by striking ''for a subsequent year'' and inserting ''for each of years 2007 through 2023''; and

(3) in paragraph (4)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively, and moving the margin of each such redesignated item 2 ems to the right;

(II) in the matter preceding item (aa), as redesignated by subclause (I), by striking ''is equal to the greater of—'' and inserting ''is equal to—

''(I) for a year preceding 2024, the greater of—'';

(III) by striking the period at the end of item (bb), as redesignated by subclause (I), and inserting ''; and''; and

(IV) by adding at the end the following:

''(II) for 2024 and each succeeding year, $0.''; and

(ii) in clause (ii)—

(I) by striking ''clause (i)(I)'' and inserting ''clause (i)(I)(aa)''; and

(II) by adding at the end the following new sentence: ''The Secretary shall continue to calculate the dollar amounts specified in clause (i)(I)(aa), including with the adjustment under this clause, after 2023 for purposes of section 1860D–14(a)(1)(D)(iii).'';

(B) in subparagraph (B)—

(i) in clause (i)—

(I) in subclause (V), by striking ''or'' at the end;

(II) in subclause (VI)—

(aa) by striking ''for a subsequent year'' and inserting ''for each of years 2021 through 2023''; and

(bb) by striking the period at the end and inserting a semicolon; and

(III) by adding at the end the following new subclauses:

''(VII) for 2024, is equal to $2,000; or

''(VIII) for a subsequent year, is equal to the amount specified in this subparagraph for the previous year, increased by the annual percentage increase described in paragraph (6) for the year involved.''; and

(ii) in clause (ii), by striking ''clause (i)(II)'' and inserting ''clause (i)'';

(C) in subparagraph (C)(i), by striking ''and for amounts'' and inserting ''and, for a year preceding 2024, for amounts''; and

(D) in subparagraph (E), by striking ''In applying'' and inserting ''For each of years 2011 through 2023, in applying''.

(b) REINSURANCE PAYMENT AMOUNT.—Section 1860D–15(b) of the Social Security Act (42 U.S.C. 1395w–115(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''equal to 80 percent'' and inserting ''equal to—

''(A) for a year preceding 2024, 80 percent'';

(B) in subparagraph (A), as added by subparagraph (A), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(B) for 2024 and each subsequent year, the sum of—

''(i) an amount equal to 20 percent of such allowable reinsurance costs attributable to that portion of gross prescription drug costs as specified in paragraph (3) incurred in the coverage year after such individual has incurred costs that exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B) with respect to applicable drugs (as defined in section 1860D–14C(g)(2)); and

''(ii) an amount equal to 40 percent of such allowable reinsurance costs attributable to that portion of gross prescription drug costs as specified in paragraph (3) incurred in the coverage year after such individual has incurred costs that exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B) with respect to covered part D drugs that are not applicable drugs (as so defined).'';

(2) in paragraph (2)—

(A) by striking ''COSTS.—For purposes'' and inserting ''COSTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), for purposes''; and

(B) by adding at the end the following new subparagraph:

''(B) INCLUSION OF MANUFACTURER DISCOUNTS ON APPLICABLE DRUGS.—For purposes of applying subparagraph (A), the term 'allowable reinsurance costs' shall include the portion of the negotiated price (as defined in section 1860D–14C(g)(6)) of an applicable drug (as defined in section 1860D–14C(g)(2)) that was paid by a manufacturer under the manufacturer discount program under section 1860D–14C.''; and

(3) in paragraph (3)—

(A) in the first sentence, by striking ''For purposes'' and inserting ''Subject to paragraph (2)(B), for purposes''; and

(B) in the second sentence, by inserting ''(or, with respect to 2024 and subsequent years, in the case of an applicable drug, as defined in section 1860D-14C(g)(2), by a manufacturer)'' after ''by the individual or under the plan''.

(c) REDUCED COST-SHARING; BENEFICIARY PREMIUM PERCENTAGE.—

(1) COST-SHARING.—

(A) IN GENERAL.—Section 1860D–2(b)(2)(A) of the Social Security Act (42 U.S.C. 1395w–102(b)(2)(A)) is amended—

(i) in the subparagraph header, by striking ''25 PERCENT COINSURANCE'' and inserting ''COINSURANCE'';

(ii) in clause (i), by inserting ''(or, for 2024 and each subsequent year, 23 percent)'' after ''25 percent''; and

(iii) in clause (ii), by inserting ''(or, for 2024 and each subsequent year, 23 percent)'' after ''25 percent''.

(B) CONFORMING AMENDMENT.—Section 1860D–14(a)(2)(D) of the Social Security Act (42 U.S.C. 1395w–114(a)(2)(D)) is amended by inserting ''(or, for 2024 and each subsequent year, instead of coinsurance of '23 percent')'' after ''instead of coinsurance of '25 percent' ''.

(2) BENEFICIARY PREMIUM PERCENTAGE.—

(A) IN GENERAL.—Section 1860D–13(a)(3)(A) of the Social Security Act (42 U.S.C. 1395w–113(a)(3)(A)) is amended by inserting ''(or, for 2024 and each subsequent year, 23.5 percent)'' after ''25.5 percent''.

(B) CONFORMING AMENDMENTS.—

(i) Section 1860D–11(g)(6) of the Social Security Act (42 U.S.C. 1395w–111(g)(6)) is amended by inserting ''(or, for 2024 and each subsequent year, 23.5 percent)'' after ''25.5 percent''.

(ii) Section 1860D–13(a)(7)(B)(i) of the Social Security Act (42 U.S.C. 1395w–113(a)(7)(B)(i)) is amended—

(I) in subclause (I), by inserting ''(or, for 2024 and each subsequent year, 23.5 percent)'' after ''25.5 percent''; and

(II) in subclause (II), by inserting ''(or, for 2024 and each subsequent year, 23.5 percent)'' after ''25.5 percent''.

(iii) Section 1860D–15(a) of the Social Security Act (42 U.S.C. 1395w–115(a)) is amended by inserting ''(or, for 2024 and each subsequent year, 76.5 percent)'' after ''74.5 percent''.

(d) MANUFACTURER DISCOUNT PROGRAM.—

(1) IN GENERAL.—Part D of title XVIII of the Social Security Act (42 U.S.C. 1395w–101 through 42 U.S.C. 1395w–153), as amended by section 139102, is further amended by inserting after section 1860D–14B the following new sections:

''SEC. 1860D–14C. MANUFACTURER DISCOUNT PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish a manufacturer discount program (in this section referred to as the 'program'). Under the program, the Secretary shall enter into agreements described in subsection (b) with manufacturers and provide for the performance of the duties described in subsection (c). The Secretary shall establish a model agreement for use under the program by not later than January 1, 2023, in consultation with manufacturers, and allow for comment on such model agreement.

''(b) TERMS OF AGREEMENT.—

''(1) IN GENERAL.—

''(A) AGREEMENT.—An agreement under this section shall require the manufacturer to provide, in accordance with this section, discounted prices for applicable drugs of the manufacturer that are dispensed to applicable beneficiaries on or after January 1, 2024.

''(B) CLARIFICATION.—Nothing in this section shall be construed as affecting—

''(i) the application of a coinsurance of 23 percent of the negotiated price, as applied under paragraph (2)(A) of section 1860D–2(b), for costs described in such paragraph; or

''(ii) the application of the copayment amount described in paragraph (4)(A) of such section, with respect to costs described in such paragraph.

''(C) TIMING OF AGREEMENT.—

''(i) SPECIAL RULE FOR 2024.—In order for an agreement with a manufacturer to be in effect under this section with respect to the period beginning on January 1, 2024, and ending on December 31, 2024, the manufacturer shall enter into such agreement not later than 30 days after the date of the establishment of a model agreement under subsection (a).

''(ii) 2025 AND SUBSEQUENT YEARS.—In order for an agreement with a manufacturer to be in effect under this section with respect to plan year 2025 or a subsequent plan year, the manufacturer shall enter into such agreement not later than a calendar quarter or semi-annual deadline established by the Secretary.

''(2) PROVISION OF APPROPRIATE DATA.—Each manufacturer with an agreement in effect under this section shall collect and have available appropriate data, as determined by the Secretary, to ensure that it can demonstrate to the Secretary compliance with the requirements under the program.

''(3) COMPLIANCE WITH REQUIREMENTS FOR ADMINISTRATION OF PROGRAM.—Each manufacturer with an agreement in effect under this section shall comply with requirements imposed by the Secretary or a third party with a contract under subsection (d)(3), as applicable, for purposes of administering the program, including any determination under subparagraph (A) of subsection (c)(1) or procedures established under such subsection (c)(1).

''(4) LENGTH OF AGREEMENT.—

''(A) IN GENERAL.—An agreement under this section shall be effective for an initial period of not less than 12 months and shall be automatically renewed for a period of not less than 1 year unless terminated under subparagraph (B).

''(B) TERMINATION.—

''(i) BY THE SECRETARY.—The Secretary shall provide for termination of an agreement under this section for a knowing and willful violation of the requirements of the agreement or other good cause shown. Such termination shall not be effective earlier than 30 days after the date of notice to the manufacturer of such termination. The Secretary shall provide, upon request, a manufacturer with a hearing concerning such a termination, and such hearing shall take place prior to the effective date of the termination with sufficient time for such effective date to be repealed if the Secretary determines appropriate.

''(ii) BY A MANUFACTURER.—A manufacturer may terminate an agreement under this section for any reason. Any such termination shall be effective, with respect to a plan year—

''(I) if the termination occurs before January 31 of a plan year, as of the day after the end of the plan year; and

''(II) if the termination occurs on or after January 31 of a plan year, as of the day after the end of the succeeding plan year.

''(iii) EFFECTIVENESS OF TERMINATION.—Any termination under this subparagraph shall not affect discounts for applicable drugs of the manufacturer that are due under the agreement before the effective date of its termination.

''(iv) NOTICE TO THIRD PARTY.—The Secretary shall provide notice of such termination to a third party with a contract under subsection (d)(3) within not less than 30 days before the effective date of such termination.

''(c) DUTIES DESCRIBED.—The duties described in this subsection are the following:

''(1) ADMINISTRATION OF PROGRAM.—Administering the program, including—

''(A) the determination of the amount of the discounted price of an applicable drug of a manufacturer;

''(B) the establishment of procedures to ensure that, not later than the applicable number of calendar days after the dispensing of an applicable drug by a pharmacy or mail order service, the pharmacy or mail order service is reimbursed for an amount equal to the difference between—

''(i) the negotiated price of the applicable drug; and

''(ii) the discounted price of the applicable drug;

''(C) the establishment of procedures to ensure that the discounted price for an applicable drug under this section is applied before any coverage or financial assistance under other health benefit plans or programs that provide coverage or financial assistance for the purchase or provision of prescription drug coverage on behalf of applicable beneficiaries as specified by the Secretary; and

''(D) providing a reasonable dispute resolution mechanism to resolve disagreements between manufacturers, applicable beneficiaries, and the third party with a contract under subsection (d)(3).

''(2) MONITORING COMPLIANCE.—

''(A) IN GENERAL.—The Secretary shall monitor compliance by a manufacturer with the terms of an agreement under this section.

''(B) NOTIFICATION.—If a third party with a contract under subsection (d)(3) determines that the manufacturer is not in compliance with such agreement, the third party shall notify the Secretary of such noncompliance for appropriate enforcement under subsection (e).

''(3) COLLECTION OF DATA FROM PRESCRIPTION DRUG PLANS AND MA–PD PLANS.—The Secretary may collect appropriate data from prescription drug plans and MA–PD plans in a timeframe that allows for discounted prices to be provided for applicable drugs under this section.

''(d) ADMINISTRATION.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall provide for the implementation of this section, including the performance of the duties described in subsection (c).

''(2) LIMITATION.—In providing for the implementation of this section, the Secretary shall

not receive or distribute any funds of a manufacturer under the program.

''(3) CONTRACT WITH THIRD PARTIES.—The Secretary shall enter into a contract with 1 or more third parties to administer the requirements established by the Secretary in order to carry out this section. At a minimum, the contract with a third party under the preceding sentence shall require that the third party—

''(A) receive and transmit information between the Secretary, manufacturers, and other individuals or entities the Secretary determines appropriate;

''(B) receive, distribute, or facilitate the distribution of funds of manufacturers to appropriate individuals or entities in order to meet the obligations of manufacturers under agreements under this section;

''(C) provide adequate and timely information to manufacturers, consistent with the agreement with the manufacturer under this section, as necessary for the manufacturer to fulfill its obligations under this section; and

''(D) permit manufacturers to conduct periodic audits, directly or through contracts, of the data and information used by the third party to determine discounts for applicable drugs of the manufacturer under the program.

''(4) PERFORMANCE REQUIREMENTS.—The Secretary shall establish performance requirements for a third party with a contract under paragraph (3) and safeguards to protect the independence and integrity of the activities carried out by the third party under the program under this section.

''(5) IMPLEMENTATION.—The Secretary shall implement the program under this section for 2024 and 2025 by program instruction or otherwise.

''(e) ENFORCEMENT.—

''(1) AUDITS.—Each manufacturer with an agreement in effect under this section shall be subject to periodic audit by the Secretary.

''(2) CIVIL MONEY PENALTY.—

''(A) IN GENERAL.—A manufacturer that fails to provide discounted prices for applicable drugs of the manufacturer dispensed to applicable beneficiaries in accordance with such agreement shall be subject to a civil money penalty for each such failure in an amount the Secretary determines is equal to the sum of—

''(i) the amount that the manufacturer would have paid with respect to such discounts under the agreement, which will then be used to pay the discounts which the manufacturer had failed to provide; and

''(ii) 25 percent of such amount.

''(B) APPLICATION.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(f) CLARIFICATION REGARDING AVAILABILITY OF OTHER COVERED PART D DRUGS.—Nothing in this section shall prevent an applicable beneficiary from purchasing a covered part D drug that is not an applicable drug (including a generic drug or a drug that is not on the formulary of the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in).

''(g) DEFINITIONS.—In this section:

''(1) APPLICABLE BENEFICIARY.—The term 'applicable beneficiary' means an individual who, on the date of dispensing a covered part D drug—

''(A) is enrolled in a prescription drug plan or an MA–PD plan;

''(B) is not enrolled in a qualified retiree prescription drug plan; and

''(C) has incurred costs, as determined in accordance with section 1860D–2(b)(4)(C) as if clause (iii) of such section included a reference to costs reimbursed through insurance, a group health plan, or certain other third-party payment arrangements, for covered part D drugs in the year that exceed—

''(i) in the case of an individual not described in clause (ii) or (iii), the annual deductible for such year, as specified in section 1860D-2(b)(1);

''(ii) in the case of a subsidy eligible individual described in section 1860D-14(a)(1), the annual deductible for such year, as specified in subparagraph (B) of such section; and

''(iii) in the case of a subsidy eligible individual described in section 1860D–14(a)(2), the annual deductible for such year, as specified in subparagraph (B) of such section.

''(2) APPLICABLE DRUG.—The term 'applicable drug', with respect to an applicable beneficiary—

''(A) means a covered part D drug—

''(i) approved under a new drug application under section 505(c) of the Federal Food, Drug, and Cosmetic Act or, in the case of a biologic product, licensed under section 351 of the Public Health Service Act; and

''(ii)(I) if the PDP sponsor of the prescription drug plan or the MA organization offering the MA–PD plan uses a formulary, which is on the formulary of the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in;

''(II) if the PDP sponsor of the prescription drug plan or the MA organization offering the MA–PD plan does not use a formulary, for which benefits are available under the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in; or

''(III) is provided through an exception or appeal; and

''(B) does not include a selected drug (as referred to under section 1192(c)) during a price applicability period (as defined in section 1191(b)(2)) with respect to such drug.

''(3) APPLICABLE NUMBER OF CALENDAR DAYS.—The term 'applicable number of calendar days' means—

''(A) with respect to claims for reimbursement submitted electronically, 14 days; and

''(B) with respect to claims for reimbursement submitted otherwise, 30 days.

''(4) DISCOUNTED PRICE.—

''(A) IN GENERAL.—The term 'discounted price' means, subject to subparagraphs (B) and (C), with respect to an applicable drug of a manufacturer dispensed during a year to an applicable beneficiary—

''(i) who has not incurred costs, as determined in accordance with section 1860D–2(b)(4)(C), for covered part D drugs in the year that are equal to or exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B)(i) for the year, 90 percent of the negotiated price of such drug; and

''(ii) who has incurred such costs, as so determined, in the year that are equal to or exceed such threshold for the year, 80 percent of the negotiated price of such drug.

''(B) PHASE-IN FOR CERTAIN DRUGS DISPENSED TO LIS BENEFICIARIES.—

''(i) IN GENERAL.—In the case of an applicable drug of a specified manufacturer (as defined in clause (ii)) that is marketed as of the date of enactment of this subparagraph and dispensed for an applicable beneficiary who is a subsidy eligible individual (as defined in section 1860D–14(a)(3)), the term 'discounted price' means the specified LIS percent (as defined in clause (iii)) of the negotiated price of the applicable drug of the manufacturer.

''(ii) SPECIFIED MANUFACTURER.—

''(I) IN GENERAL.—In this subparagraph, subject to subclause (II), the term 'specified manufacturer' means a manufacturer of an applicable drug for which, in 2021—

''(aa) the manufacturer had a coverage gap discount agreement under section 1860D-14A;

''(bb) the total expenditures for all of the specified drugs of the manufacturer covered by such agreement or agreements for such year and covered under this part during such year represented less than 1.0 percent of the total expenditures under this part for all covered Part D drugs during such year; and

''(cc) the total expenditures for all of the specified drugs of the manufacturer that are single source drugs and biological products covered under part B during such year represented less than 1.0 percent of the total expenditures under part B for all drugs or biological products covered under such part during such year.

''(II) SPECIFIED DRUGS.—

''(aa) IN GENERAL.—For purposes of this clause, the term 'specified drug' means, with respect to a specified manufacturer, for 2021, an applicable drug that is produced, prepared, propagated, compounded, converted, or processed by the manufacturer.

''(bb) AGGREGATION RULE.—All persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as one manufacturer for purposes of this subparagraph. For purposes of making a determination pursuant to the previous sentence, an agreement under this section shall require that a manufacturer provide and attest to such information as specified by the Secretary as necessary.

''(III) LIMITATION.—The term 'specified manufacturer' shall not include a manufacturer described in subclause (I) if such manufacturer is acquired after 2021 by another manufacturer that is not a specified manufacturer, effective at the beginning of the plan year immediately following such acquisition or, in the case of an acquisition before 2024, effective January 1, 2024.

''(iii) SPECIFIED LIS PERCENT.—In this subparagraph, the 'specified LIS percent' means, with respect to a year—

''(I) for an applicable drug dispensed for an applicable beneficiary described in clause (i) who has not incurred costs, as determined in accordance with section 1860D–2(b)(4)(C), for covered part D drugs in the year that are equal to or exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B)(i) for the year—

''(aa) for 2024, 99 percent;

''(bb) for 2025, 98 percent;

''(cc) for 2026, 95 percent;

''(dd) for 2027, 92 percent; and

''(ee) for 2028 and each subsequent year, 90 percent; and

''(II) for an applicable drug dispensed for an applicable beneficiary described in clause (i) who has incurred costs, as determined in accordance with section 1860D–2(b)(4)(C), for covered part D drugs in the year that are equal to or exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B)(i) for the year—

''(aa) for 2024, 99 percent;

''(bb) for 2025, 98 percent;

''(cc) for 2026, 95 percent;

''(dd) for 2027, 92 percent;

''(ee) for 2028, 90 percent;

''(ff) for 2029, 85 percent; and

''(gg) for 2030 and each subsequent year, 80 percent.

''(C) PHASE-IN FOR SPECIFIED SMALL MANUFACTURERS.—

''(i) IN GENERAL.—In the case of an applicable drug of a specified small manufacturer (as defined in clause (ii)) that is marketed as of the date of enactment of this subparagraph and dispensed for an applicable beneficiary, the term 'discounted price' means the specified small manufacturer percent (as defined in clause (iii)) of the negotiated price of the applicable drug of the manufacturer.

''(ii) SPECIFIED SMALL MANUFACTURER.—

''(I) IN GENERAL.—In this subparagraph, subject to subclause (III), the term 'specified small manufacturer' means a manufacturer of an applicable drug for which, in 2021—

''(aa) the manufacturer is a specified manufacturer (as defined in subparagraph (B)(ii)); and

''(bb) the total expenditures under part D for any one of the specified small manufacturer drugs of the manufacturer that are covered by the agreement or agreements under section

1860D–14A of such manufacturer for such year and covered under this part during such year are equal to or more than 80 percent of the total expenditures under this part for all specified small manufacturer drugs of the manufacturer that are covered by such agreement or agreements for such year and covered under this part during such year.

''(II) SPECIFIED SMALL MANUFACTURER DRUGS.—

''(aa) IN GENERAL.—For purposes of this clause, the term 'specified small manufacturer drugs' means, with respect to a specified small manufacturer, for 2021, an applicable drug that is produced, prepared, propagated, compounded, converted, or processed by the manufacturer.

''(bb) AGGREGATION RULE.—All persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as one manufacturer for purposes of this subparagraph. For purposes of making a determination pursuant to the previous sentence, an agreement under this section shall require that a manufacturer provide and attest to such information as specified by the Secretary as necessary.

''(III) LIMITATION.—The term 'specified small manufacturer' shall not include a manufacturer described in subclause (I) if such manufacturer is acquired after 2021 by another manufacturer that is not a specified small manufacturer, effective at the beginning of the plan year immediately following such acquisition or, in the case of an acquisition before 2024, effective January 1, 2024.

''(iii) SPECIFIED SMALL MANUFACTURER PERCENT.—In this subparagraph, the term 'specified small manufacturer percent' means, with respect to a year—

''(I) for an applicable drug dispensed for an applicable beneficiary who has not incurred costs, as determined in accordance with section 1860D–2(b)(4)(C), for covered part D drugs in the year that are equal to or exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B)(i) for the year—

''(aa) for 2024, 99 percent;

''(bb) for 2025, 98 percent;

''(cc) for 2026, 95 percent;

''(dd) for 2027, 92 percent; and

''(ee) for 2028 and each subsequent year, 90 percent; and

''(II) for an applicable drug dispensed for an applicable beneficiary who has incurred costs, as determined in accordance with section 1860D–2(b)(4)(C), for covered part D drugs in the year that are equal to or exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B)(i) for the year—

''(aa) for 2024, 99 percent;

''(bb) for 2025, 98 percent;

''(cc) for 2026, 95 percent;

''(dd) for 2027, 92 percent;

''(ee) for 2028, 90 percent;

''(ff) for 2029, 85 percent; and

''(gg) for 2030 and each subsequent year, 80 percent.

''(D) TOTAL EXPENDITURES.—For purposes of this paragraph, the term 'total expenditures' includes, in the case of expenditures with respect to part D, ingredient costs, dispensing fees, sales tax, and, if applicable, vaccine administration fees. The term 'total expenditures' excludes, in the case of expenditures with respect to part B, expenditures for a drug or biological that are bundled or packaged into the payment for another service.

''(E) SPECIAL CASE FOR CERTAIN CLAIMS.—

''(i) CLAIMS SPANNING DEDUCTIBLE.—In the case where the entire amount of the negotiated price of an individual claim for an applicable drug with respect to an applicable beneficiary does not fall above the annual deductible specified in section 1860D–2(b)(1) for the year, the manufacturer of the applicable drug shall provide the discounted price under this section on only the portion of the negotiated price of the applicable drug that falls above such annual deductible.

''(ii) CLAIMS SPANNING OUT-OF-POCKET THRESHOLD.—In the case where the entire amount of the negotiated price of an individual claim for an applicable drug with respect to an applicable beneficiary does not fall entirely below or entirely above the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B)(i) for the year, the manufacturer of the applicable drug shall provide the discounted price—

''(I) in accordance with subparagraph (A)(i) on the portion of the negotiated price of the applicable drug that falls below such threshold; and

''(II) in accordance with subparagraph (A)(ii) on the portion of such price of such drug that falls at or above such threshold.

''(5) MANUFACTURER.—The term 'manufacturer' means any entity which is engaged in the production, preparation, propagation, compounding, conversion, or processing of prescription drug products, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis. Such term does not include a wholesale distributor of drugs or a retail pharmacy licensed under State law.

''(6) NEGOTIATED PRICE.—The term 'negotiated price' has the meaning given such term in section 423.100 of title 42, Code of Federal Regulations (or any successor regulation) and, with respect to an applicable drug, such negotiated price shall include any dispensing fee and, if applicable, any vaccine administration fee for the applicable drug.

''(7) QUALIFIED RETIREE PRESCRIPTION DRUG PLAN.—The term 'qualified retiree prescription drug plan' has the meaning given such term in section 1860D–22(a)(2).

''SEC. 1860D–14D. SELECTED DRUG SUBSIDY PROGRAM.

''With respect to covered part D drugs that would be applicable drugs (as defined in section 1860D–14C(g)(2) but for the application of subparagraph (B) of such section, the Secretary shall provide a process whereby, in the case of an applicable beneficiary (as defined in section 1860D–14C(g)(1)) who, with respect to a year, is enrolled in a prescription drug plan or is enrolled in an MA–PD plan, has not incurred costs that are equal to or exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B)(i), and is dispensed such a drug the Secretary (periodically and on a timely basis) provides the PDP sponsor or the MA organization offering the plan, a subsidy with respect to such drug that is equal to 10 percent of the negotiated price (as defined in section 1860D–14C(g)(6)) of such drug.''.

(2) SUNSET OF MEDICARE COVERAGE GAP DISCOUNT PROGRAM.—Section 1860D–14A of the Social Security Act (42 U.S.C. 1395–114a) is amended—

(A) in subsection (a), in the first sentence, by striking ''The Secretary'' and inserting ''Subject to subsection (h), the Secretary''; and

(B) by adding at the end the following new subsection:

''(h) SUNSET OF PROGRAM.—

''(1) IN GENERAL.—The program shall not apply with respect to applicable drugs dispensed on or after January 1, 2024, and, subject to paragraph (2), agreements under this section shall be terminated as of such date.

''(2) CONTINUED APPLICATION FOR APPLICABLE DRUGS DISPENSED PRIOR TO SUNSET.—The provisions of this section (including all responsibilities and duties) shall continue to apply on and after January 1, 2024, with respect to applicable drugs dispensed prior to such date.''.

(3) INCLUSION OF ACTUARIAL VALUE OF MANUFACTURER DISCOUNTS IN BIDS.—Section 1860D–11 of the Social Security Act (42 U.S.C. 1395w–111) is amended—

(A) in subsection (b)(2)(C)(iii)—

(i) by striking ''assumptions regarding the reinsurance'' and inserting ''assumptions regarding—

''(I) the reinsurance''; and

(ii) by adding at the end the following:

''(II) for 2024 and each subsequent year, the manufacturer discounts provided under section 1860D–14C subtracted from the actuarial value to produce such bid; and''; and

(B) in subsection (c)(1)(C)—

(i) by striking ''an actuarial valuation of the reinsurance'' and inserting ''an actuarial valuation of—

''(i) the reinsurance'';

(ii) in clause (i), as inserted by clause (i) of this subparagraph, by adding ''and'' at the end; and

(iii) by adding at the end the following:

''(ii) for 2024 and each subsequent year, the manufacturer discounts provided under section 1860D–14C,''.

(e) CONFORMING AMENDMENTS.—

(1) Section 1860D–2 of the Social Security Act (42 U.S.C. 1395w–102) is amended—

(A) in subsection (a)(2)(A)(i)(I), by striking '', or an increase in the initial'' and inserting ''or, for a year preceding 2024, an increase in the initial'';

(B) in subsection (c)(1)(C)—

(i) in the subparagraph heading, by striking ''AT INITIAL COVERAGE LIMIT''; and

(ii) by inserting ''for a year preceding 2024 or the annual out-of-pocket threshold specified in subsection (b)(4)(B) for the year for 2024 and each subsequent year'' after ''subsection (b)(3) for the year'' each place it appears; and

(C) in subsection (d)(1)(A), by striking ''or an initial'' and inserting ''or, for a year preceding 2024, an initial''.

(2) Section 1860D–4(a)(4)(B)(i) of the Social Security Act (42 U.S.C. 1395w–104(a)(4)(B)(i)) is amended by striking ''the initial'' and inserting ''for a year preceding 2024, the initial''.

(3) Section 1860D–14(a) of the Social Security Act (42 U.S.C. 1395w–114(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking ''The continuation'' and inserting ''For a year preceding 2024, the continuation'';

(ii) in subparagraph (D)(iii), by striking ''1860D–2(b)(4)(A)(i)(I)'' and inserting ''1860D–2(b)(4)(A)(i)(I)(aa)''; and

(iii) in subparagraph (E), by striking ''The elimination'' and inserting ''For a year preceding 2024, the elimination''; and

(B) in paragraph (2)—

(i) in subparagraph (C), by striking ''The continuation'' and inserting ''For a year preceding 2024, the continuation''; and

(ii) in subparagraph (E), by striking ''1860D–2(b)(4)(A)(i)(I)'' and inserting ''1860D–2(b)(4)(A)(i)(I)(aa)''.

(4) Section 1860D–21(d)(7) of the Social Security Act (42 U.S.C. 1395w–131(d)(7)) is amended by striking ''section 1860D–2(b)(4)(B)(i)'' and inserting ''section 1860D–2(b)(4)(C)(i)''.

(5) Section 1860D–22(a)(2)(A) of the Social Security Act (42 U.S.C. 1395w–132(a)(2)(A)) is amended—

(A) by striking ''the value of any discount'' and inserting the following: ''the value of—

''(i) for years prior to 2024, any discount'';

(B) in clause (i), as inserted by subparagraph (A) of this paragraph, by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(ii) for 2024 and each subsequent year, any discount provided pursuant to section 1860D–14C.''.

(6) Section 1860D–41(a)(6) of the Social Security Act (42 U.S.C. 1395w–151(a)(6)) is amended—

(A) by inserting ''for a year before 2024'' after ''1860D–2(b)(3)''; and

(B) by inserting ''for such year'' before the period.

(7) Section 1860D–43 of the Social Security Act (42 U.S.C. 1395w–153) is amended—

(A) in subsection (a)—

(i) by striking paragraph (1) and inserting the following:

''(1) participate in—

''(A) for 2011 through 2023, the Medicare coverage gap discount program under section 1860D–14A; and

''(B) for 2024 and each subsequent year, the manufacturer discount program under section 1860D–14C;'';

(ii) by striking paragraph (2) and inserting the following:

''(2) have entered into and have in effect—

''(A) for 2011 through 2023, an agreement described in subsection (b) of section 1860D–14A with the Secretary; and

''(B) for 2024 and each subsequent year, an agreement described in subsection (b) of section 1860D–14C with the Secretary; and''; and

(iii) by striking paragraph (3) and inserting the following:

''(3) have entered into and have in effect, under terms and conditions specified by the Secretary—

''(A) for 2011 through 2023, a contract with a third party that the Secretary has entered into a contract with under subsection (d)(3) of section 1860D–14A; and

''(B) for 2024 and each subsequent year, a contract with a third party that the Secretary has entered into a contract with under subsection (d)(3) of section 1860D–14C.''; and

(B) by striking subsection (b) and inserting the following:

''(b) EFFECTIVE DATE.—Paragraphs (1)(A), (2)(A), and (3)(A) of subsection (a) shall apply to covered part D drugs dispensed under this part on or after January 1, 2011, and before January 1, 2024, and paragraphs (1)(B), (2)(B), and (3)(B) of such subsection shall apply to covered part D drugs dispensed under this part on or after January 1, 2024.''.

(8) Section 1927 of the Social Security Act (42 U.S.C. 1396r–8) is amended—

(A) in subsection (c)(1)(C)(i)(VI), by inserting before the period at the end the following: ''or under the manufacturer discount program under section 1860D–14C''; and

(B) in subsection (k)(1)(B)(i)(V), by inserting before the period at the end the following: ''or under section 1860D–14C''.

(f) IMPLEMENTATION FOR 2024 AND 2025.—Notwithstanding any other provision of this section, the Secretary shall implement this section, including the amendments made by this section, for 2024 and 2025 by program instruction or otherwise.

(g) FUNDING.—In addition to amounts otherwise available, there are appropriated to the Centers for Medicare & Medicaid Services, out of any money in the Treasury not otherwise appropriated, $44,000,000 for fiscal year 2022, $38,000,000 for fiscal year 2023, and $32,000,000 for each of fiscal years 2024 through 2031, to remain available until expended, to carry out the provisions of, including the amendments made by, this section.

SEC. 139202. MAXIMUM MONTHLY CAP ON COST SHARING PAYMENTS UNDER PRESCRIPTION DRUG PLANS AND MA–PD PLANS.

(a) IN GENERAL.—Section 1860D–2(b) of the Social Security Act (42 U.S.C. 1395w–102(b)), as amended by section 139201, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking ''and (D)'' and inserting '', (D), and (E)''; and

(B) by adding at the end the following new subparagraph:

''(E) MAXIMUM MONTHLY CAP ON COST SHARING PAYMENTS.—

''(i) IN GENERAL.—For plan years beginning on or after January 1, 2025, each PDP sponsor offering a prescription drug plan and each MA organization offering an MA–PD plan shall provide to any enrollee of such plan, including an enrollee who is a subsidy eligible individual (as defined in paragraph (3) of section 1860D-14(a)), the option to elect with respect to a plan year to pay cost sharing under the plan in monthly amounts that are capped in accordance with this subparagraph.

''(ii) DETERMINATION OF MAXIMUM MONTHLY CAP.—For each month in the plan year for which an enrollee in a prescription drug plan or an MA–PD plan has made an election pursuant to clause (i), the PDP sponsor or MA organization shall determine a maximum monthly cap (as defined in clause (iv)) for such enrollee.

''(iii) BENEFICIARY MONTHLY PAYMENTS.—With respect to an enrollee who has made an election pursuant to clause (i), for each month described in clause (ii), the PDP sponsor or MA organization shall bill such enrollee an amount (not to exceed the maximum monthly cap) for the out-of-pocket costs of such enrollee in such month.

''(iv) MAXIMUM MONTHLY CAP DEFINED.—In this subparagraph, the term 'maximum monthly cap' means, with respect to an enrollee—

''(I) for the first month for which the enrollee has made an election pursuant to clause (i), an amount determined by calculating—

''(aa) the annual out-of-pocket threshold specified in paragraph (4)(B) minus the incurred costs of the enrollee as described in paragraph (4)(C); divided by

''(bb) the number of months remaining in the plan year; and

''(II) for a subsequent month, an amount determined by calculating—

''(aa) the sum of any remaining out-of-pocket costs owed by the enrollee from a previous month that have not yet been billed to the enrollee and any additional out-of-pocket costs incurred by the enrollee; divided by

''(bb) the number of months remaining in the plan year.

''(v) ADDITIONAL REQUIREMENTS.—The following requirements shall apply with respect to the option to make an election pursuant to clause (i) under this subparagraph:

''(I) SECRETARIAL RESPONSIBILITIES.—The Secretary shall provide information to part D eligible individuals on the option to make such election through educational materials, including through the notices provided under section 1804(a).

''(II) TIMING OF ELECTION.—An enrollee in a prescription drug plan or an MA–PD plan may make such an election—

''(aa) prior to the beginning of the plan year; or

''(bb) in any month during the plan year.

''(III) PDP SPONSOR AND MA ORGANIZATION RESPONSIBILITIES.—Each PDP sponsor offering a prescription drug plan or MA organization offering an MA–PD plan—

''(aa) may not limit the option for an enrollee to make such an election to certain covered part D drugs;

''(bb) shall, prior to the plan year, notify prospective enrollees of the option to make such an election in promotional materials;

''(cc) shall include information on such option in enrollee educational materials;

''(dd) shall have in place a mechanism to notify a pharmacy during the plan year when an enrollee incurs out-of-pocket costs with respect to covered part D drugs that make it likely the enrollee may benefit from making such an election;

''(ee) shall provide that a pharmacy, after receiving a notification described in item (dd) with respect to an enrollee, informs the enrollee of such notification;

''(ff) shall ensure that such an election by an enrollee has no effect on the amount paid to pharmacies (or the timing of such payments) with respect to covered part D drugs dispensed to the enrollee; and

''(gg) shall have in place a financial reconciliation process to correct inaccuracies in payments made by an enrollee under this subparagraph with respect to covered part D drugs during the plan year.

''(IV) FAILURE TO PAY AMOUNT BILLED.—If an enrollee fails to pay the amount billed for a month as required under this subparagraph, the election of the enrollee pursuant to clause (i) shall be terminated and the enrollee shall pay the cost sharing otherwise applicable for any covered part D drugs subsequently dispensed to the enrollee up to the annual out-of-pocket threshold specified in paragraph (4)(B).

''(V) CLARIFICATION REGARDING PAST DUE AMOUNTS.—Nothing in this subparagraph shall be construed as prohibiting a PDP sponsor or an MA organization from billing an enrollee for an amount owed under this subparagraph.

''(VI) TREATMENT OF UNSETTLED BALANCES.—Any unsettled balances with respect to amounts owed under this subparagraph shall be treated as plan losses and the Secretary shall not be liable for any such balances outside of those assumed as losses estimated in plan bids.''; and

(2) in paragraph (4)—

(A) in subparagraph (C), by striking ''in subparagraph (E)'' and inserting ''in subparagraph (E) and subject to subparagraph (F)''; and

(B) by adding at the end the following new subparagraph:

''(F) INCLUSION OF COSTS PAID UNDER MAXIMUM MONTHLY CAP OPTION.—In applying subparagraph (A), with respect to an enrollee who has made an election pursuant to clause (i) of paragraph (2)(E), costs shall be treated as incurred if such costs are paid by a PDP sponsor or an MA organization under the option provided under such paragraph.''.

(b) APPLICATION TO ALTERNATIVE PRESCRIPTION DRUG COVERAGE.—Section 1860D–2(c) of the Social Security Act (42 U.S.C. 1395w–102(c)) is amended by adding at the end the following new paragraph:

''(4) SAME MAXIMUM MONTHLY CAP ON COST SHARING.—For plan years beginning on or after January 1, 2025, the maximum monthly cap on cost sharing payments under the option provided under subsection (b)(2)(E) shall apply to such coverage.''.

(c) IMPLEMENTATION FOR 2025.—The Secretary shall implement this section, including the amendments made by this section, for 2025 by program instruction or otherwise.

(d) FUNDING.—In addition to amounts otherwise available, there are appropriated to the Centers for Medicare & Medicaid Services, out of any money in the Treasury not otherwise appropriated, $1,000,000 for each of fiscal years 2022 through 2031, to remain available until expended, to carry out the provisions of, including the amendments made by, this section.

PART 4—REPEAL OF CERTAIN PRESCRIPTION DRUG REBATE RULE

SEC. 139301. PROHIBITING IMPLEMENTATION OF RULE RELATING TO ELIMINATING THE ANTI-KICKBACK STATUTE SAFE HARBOR PROTECTION FOR PRESCRIPTION DRUG REBATES.

Beginning January 1, 2026, the Secretary of Health and Human Services shall not implement, administer, or enforce the provisions of the final rule published by the Office of the Inspector General of the Department of Health and Human Services on November 30, 2020, and titled ''Fraud and Abuse; Removal of Safe Harbor Protection for Rebates Involving Prescription Pharmaceuticals and Creation of New Safe Harbor Protection for Certain Point-of-Sale Reductions in Price on Prescription Pharmaceuticals and Certain Pharmacy Benefit Manager Service Fees'' (85 Fed. Reg. 76666).

PART 5—MISCELLANEOUS

SEC. 139401. APPROPRIATE COST-SHARING FOR CERTAIN INSULIN PRODUCTS UNDER MEDICARE PART D.

(a) IN GENERAL.—Section 1860D–2 of the Social Security Act (42 U.S.C. 1395w–102) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by striking ''The coverage'' and inserting ''Subject to paragraph (8), the coverage'';

(B) in paragraph (2)(A), by striking ''and (D)'' and inserting ''and (D) and paragraph (8)'';

(C) in paragraph (3)(A), by striking ''and (4)'' and inserting ''(4), and (8)'';

(D) in paragraph (4)(A)(i), by striking ''The coverage'' and inserting ''Subject to paragraph (8), the coverage''; and

(E) by adding at the end the following new paragraph:

''(8) TREATMENT OF COST-SHARING FOR CERTAIN INSULIN PRODUCTS.—

''(A) IN GENERAL.—For plan years beginning on or after January 1, 2023, the following shall apply with respect to insulin products (as defined in subparagraph (B)):

''(i) NO APPLICATION OF DEDUCTIBLE.—The deductible under paragraph (1) shall not apply with respect to such insulin products.

''(ii) APPLICATION OF COST-SHARING.—

''(I) PLAN YEAR 2023.—For plan year 2023, the coverage provides benefits for such insulin products, regardless of whether an individual has reached the initial coverage limit under paragraph (3) or the out-of-pocket threshold under paragraph (4), with cost-sharing that is equal to the applicable copayment amount.

''(II) PLAN YEAR 2024 AND SUBSEQUENT PLAN YEARS.—For plan year 2024 and subsequent plan years, the coverage provides benefits for such insulin products, prior to an individual reaching the out-of-pocket threshold under paragraph (4), with cost-sharing that is equal to the applicable copayment amount.

''(III) APPLICABLE COPAYMENT AMOUNT.—For purposes of this clause, the term 'applicable copayment amount' means, with respect to an insulin product under a prescription drug plan or an MA–PD plan, an amount that is not more than $35.

''(B) INSULIN PRODUCT.—For purposes of this paragraph, the term 'insulin product' means an insulin product that is approved under section 505 of the Federal Food, Drug, and Cosmetic Act or licensed under section 351 of the Public Health Service Act and marketed pursuant to such approval or licensure, including any insulin product that has been deemed to be licensed under section 351 of the Public Health Service Act pursuant to section 7002(e)(4) of the Biologics Price Competition and Innovation Act of 2009 and marketed pursuant to such section.''; and

(2) in subsection (c), by adding at the end the following new paragraph:

''(4) TREATMENT OF COST-SHARING FOR INSULIN PRODUCTS.—The coverage is provided in accordance with subsection (b)(8).''.

(b) CONFORMING AMENDMENTS TO COST-SHARING FOR LOW-INCOME INDIVIDUALS.—Section 1860D–14(a) of the Social Security Act (42 U.S.C. 1395w–114(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D)(iii), by adding at the end the following new sentence: ''For plan year 2023 and subsequent plan years, the copayment amount applicable under the preceding sentence to an insulin product (as defined in section 1860D–2(b)(8)(B)) furnished to the individual may not exceed the applicable copayment amount for the product under the prescription drug plan or MA–PD plan in which the individual is enrolled.''; and

(B) in subparagraph (E), by inserting the following before the period at the end ''or under section 1860D–2(b)(8) in the case of an insulin product (as defined in subparagraph (B) of such section)''; and

(2) in paragraph (2)—

(A) in subparagraph (D), by adding at the end the following new sentence: ''For plan year 2023 and subsequent plan years, the amount of the coinsurance applicable under the preceding sentence to an insulin product (as defined in section 1860D–2(b)(8)(B)) furnished to the individual may not exceed the applicable copayment amount for the product under the prescription drug plan or MA–PD plan in which the individual is enrolled.''; and

(B) in subparagraph (E), by adding at the end the following new sentence: ''For plan year 2023, the amount of the copayment or coinsurance applicable under the preceding sentence to an insulin product (as defined in section 1860D–2(b)(8)(B)) furnished to the individual may not exceed the applicable copayment amount for the product under the prescription drug plan or MA–PD plan in which the individual is enrolled.''

(c) IMPLEMENTATION.—The Secretary shall implement this section for plan years 2023 and 2024 by program instruction or otherwise.

SEC. 139402. COVERAGE OF ADULT VACCINES RECOMMENDED BY THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES UNDER MEDICARE PART D.

(a) ENSURING TREATMENT OF COST SHARING IS CONSISTENT WITH TREATMENT OF VACCINES UNDER MEDICARE PART B.—Section 1860D–2 of the Social Security Act (42 U.S.C. 1395w–102), as amended by section 139401, is further amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by striking ''paragraph (8)'' and inserting ''paragraphs (8) and (9)'';

(B) in paragraph (2)(A), by striking ''paragraph (8)'' and inserting ''paragraphs (8) and (9)'';

(C) in paragraph (3)(A), by striking ''and (8)'' and inserting ''(8), and (9)'';

(D) in paragraph (4)(A)(i), by striking ''paragraph (8)'' and inserting ''paragraphs (8) and (9)''; and

(E) by adding at the end the following new paragraph:

''(9) TREATMENT OF COST SHARING FOR ADULT VACCINES RECOMMENDED BY THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES CONSISTENT WITH TREATMENT OF VACCINES UNDER PART B.—

''(A) IN GENERAL.—For plan years beginning on or after January 1, 2024 , the following shall apply with respect to an adult vaccine recommended by the Advisory Committee on Immunization Practices (as defined in subparagraph (B)):

''(i) NO APPLICATION OF DEDUCTIBLE.—The deductible under paragraph (1) shall not apply with respect to such vaccine.

''(ii) NO APPLICATION OF COINSURANCE OR ANY OTHER COST-SHARING.—There shall be no coinsurance or other cost-sharing under this part with respect to such vaccine, regardless of whether for costs below, at, or above the initial coverage limit under paragraph (3) or the out-of-pocket threshold under paragraph (4).

''(B) ADULT VACCINES RECOMMENDED BY THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES.—For purposes of this paragraph, the term 'adult vaccine recommended by the Advisory Committee on Immunization Practices' means a covered part D drug that is a vaccine licensed under section 351 of the Public Health Service Act for use by adult populations and administered in accordance with recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.''; and

(2) in subsection (c), by adding at the end the following new paragraph:

''(5) TREATMENT OF COST SHARING FOR ADULT VACCINES RECOMMENDED BY THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES.—The coverage is in accordance with subsection (b)(9).''.

(b) CONFORMING AMENDMENTS TO COST SHARING FOR LOW-INCOME INDIVIDUALS.—Section 1860D–14(a) of the Social Security Act (42 U.S.C. 1395w–114(a)), as amended by section 139401, is further amended—

(1) in paragraph (1)(D), in each of clauses (ii) and (iii), by striking ''In the case'' and inserting ''Subject to paragraph (6), in the case'';

(2) in paragraph (2)—

(A) in subparagraph (B), by striking ''A reduction'' and inserting ''Subject to paragraph (6), a reduction''

(B) in subparagraph (D), by striking ''The substitution'' and inserting ''Subject to paragraph (6), the substitution''; and

(C) in subparagraph (E), by striking ''subsection (c)'' and inserting ''paragraph (6) and subsection (c)''; and

(3) by adding at the end the following new paragraph:

''(6) NO APPLICATION OF COST SHARING FOR ADULT VACCINES RECOMMENDED BY THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES.—For plan years beginning on or after January 1, 2024, there shall be no cost sharing under this section, including no annual deductible applicable under this section, with respect to an adult vaccine recommended by the Advisory Committee on Immunization Practices (as defined in subparagraph (B) of such section).''.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting coverage under part D of title XVIII of the Social Security Act for vaccines that are not recommended by the Advisory Committee on Immunization Practices.

(d) IMPLEMENTATION FOR 2024.—The Secretary shall implement this section, including the amendments made by this section, for 2024 by program instruction or otherwise.

SEC. 139403. PAYMENT FOR BIOSIMILAR BIOLOGICAL PRODUCTS DURING INITIAL PERIOD.

Section 1847A(c)(4) of the Social Security Act (42 U.S.C. 1395w–3a(c)(4)) is amended—

(1) in each of subparagraphs (A) and (B), by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and moving such subclauses 2 ems to the right;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii) and moving such clauses 2 ems to the right;

(3) by striking ''UNAVAILABLE.—In the case'' and inserting ''UNAVAILABLE.—

''(A) IN GENERAL.—Subject to subparagraph (B), in the case''; and

(4) by adding at the end the following new subparagraph:

''(B) LIMITATION ON PAYMENT AMOUNT FOR BIOSIMILAR BIOLOGICAL PRODUCTS DURING INITIAL PERIOD.—In the case of a biosimilar biological product furnished on or after July 1, 2023, during the initial period described in subparagraph (A) with respect to the biosimilar biological product, the amount payable under this section for the biosimilar biological product is the lesser of the following:

''(i) The amount determined under clause (ii) of such subparagraph for the biosimilar biological product.

''(ii) The amount determined under subsection (b)(1)(B) for the reference biological product.''.

SEC. 139404. TEMPORARY INCREASE IN MEDICARE PART B PAYMENT FOR CERTAIN BIOSIMILAR BIOLOGICAL PRODUCTS.

Section 1847A(b)(8) of the Social Security Act (42 U.S.C. 1395w–3a(b)(8)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the margin of each such redesignated clause 2 ems to the right;

(2) by striking ''PRODUCT.—The amount'' and inserting the following: ''PRODUCT.—

''(A) IN GENERAL.—Subject to subparagraph (B), the amount''; and

(3) by adding at the end the following new subparagraph:

''(B) TEMPORARY PAYMENT INCREASE.—

''(i) IN GENERAL.—In the case of a qualifying biosimilar biological product that is furnished during the applicable 5-year period for such product, the amount specified in this paragraph for such product with respect to such period is the sum determined under subparagraph (A), except that clause (ii) of such subparagraph shall be applied by substituting '8 percent' for '6 percent'.

''(ii) APPLICABLE 5-YEAR PERIOD.—For purposes of clause (i), the applicable 5-year period for a qualifying biosimilar biological product is—

''(I) in the case of such a product for which payment was made under this paragraph as of March 31, 2022, the 5-year period beginning on April 1, 2022; and

''(II) in the case of such a product for which payment is first made under this paragraph during a calendar quarter during the period beginning April 1, 2022, and ending March 31, 2027, the 5-year period beginning on the first day of such calendar quarter during which such payment is first made.

''(iii) QUALIFYING BIOSIMILAR BIOLOGICAL PRODUCT DEFINED.—For purposes of this subparagraph, the term 'qualifying biosimilar biological product' means a biosimilar biological product described in paragraph (1)(C) with respect to which—

''(I) in the case of a product described in clause (ii)(I), the average sales price under paragraph (8)(A)(i) for a calendar quarter during the 5-year period described in such clause is not more than the average sales price under paragraph (4)(A) for such quarter for the reference biological product; and

''(II) in the case of a product described in clause (ii)(II), the average sales price under paragraph (8)(A)(i) for a calendar quarter during the 5-year period described in such clause is not more than the average sales price under paragraph (4)(A) for such quarter for the reference biological product.''.

SEC. 139405. IMPROVING ACCESS TO ADULT VACCINES UNDER MEDICAID AND CHIP.

(a) MEDICAID.—

(1) REQUIRING COVERAGE OF ADULT VACCINATIONS.—

(A) IN GENERAL.—Section 1902(a)(10)(A) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)) is amended in the matter preceding clause (i) by inserting ''(13)(B),'' after ''(5),''.

(B) MEDICALLY NEEDY.— Section 1902(a)(10)(C)(iv) of such Act (42 U.S.C. 1396a(a)(10)(C)(iv)) is amended by inserting '', (13)(B),'' after ''(5)''.

(2) NO COST SHARING FOR VACCINATIONS.—

(A) GENERAL COST-SHARING LIMITATIONS.—Section 1916 of the Social Security Act (42 U.S.C. 1396o) is amended—

(i) in subsection (a)(2)—

(I) in subparagraph (G), by inserting a comma after ''State plan'';

(II) in subparagraph (H), by striking ''; or'' and inserting a comma;

(III) in subparagraph (I), by striking ''; and'' and inserting '', or''; and

(IV) by adding at the end the following new subparagraph:

''(J) vaccines described in section 1905(a)(13)(B) and the administration of such vaccines; and''; and

(ii) in subsection (b)(2)—

(I) in subparagraph (G), by inserting a comma after ''State plan'';

(II) in subparagraph (H), by striking ''; or'' and inserting a comma;

(III) in subparagraph (I), by striking ''; and'' and inserting '', or''; and

(IV) by adding at the end the following new subparagraph:

''(J) vaccines described in section 1905(a)(13)(B) and the administration of such vaccines; and''.

(B) APPLICATION TO ALTERNATIVE COST SHARING.—Section 1916A(b)(3)(B) of the Social Security Act (42 U.S.C. 1396o–1(b)(3)(B)) is amended by adding at the end the following new clause:

''(xiv) Vaccines described in section 1905(a)(13)(B) and the administration of such vaccines.''.

(3) INCREASED FMAP FOR ADULT VACCINES.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(A) by striking ''and (5)'' and inserting ''(5)'';

(B) by striking ''services and vaccines described in subparagraphs (A) and (B) of subsection (a)(13), and prohibits cost-sharing for such services and vaccines'' and inserting ''services described in subsection (a)(13)(A), and prohibits cost-sharing for such services'';

(C) by striking ''medical assistance for such services and vaccines'' and inserting ''medical assistance for such services''; and

(D) by inserting '', and (6) during the first 8 fiscal quarters beginning on or after the effective date of this clause, in the case of a State which, as of the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', provides medical assistance for vaccines described in subsection (a)(13)(B) and their administration and prohibits cost-sharing for such vaccines, the Federal medical assistance percentage, as determined under this subsection and subsection (y), shall be increased by 1 percentage point with respect to medical assistance for such vaccines'' before the first period.

(b) CHIP.—

(1) REQUIRING COVERAGE OF ADULT VACCINATIONS.—Section 2103(c) of the Social Security Act (42 U.S.C. 1397cc(c)) is amended by adding at the end the following paragraph:

''(12) REQUIRED COVERAGE OF APPROVED, RECOMMENDED ADULT VACCINES AND THEIR ADMINISTRATION.—Regardless of the type of coverage elected by a State under subsection (a), if the State child health plan or a waiver of such plan provides child health assistance or pregnancy-related assistance (as defined in section 2112) to an individual who is 19 years of age or older, such assistance shall include coverage of vaccines described in section 1905(a)(13)(B) and their administration.''.

(2) NO COST-SHARING FOR VACCINATIONS.—Section 2103(e)(2) of such Act (42 U.S.C. 1397cc(e)(2)) is amended by inserting ''vaccines described in subsection (c)(12) (and the administration of such vaccines),'' after ''in vitro diagnostic products described in subsection (c)(10) (and administration of such products),''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the 1st day of the 1st fiscal quarter that begins on or after the date that is 1 year after the date of enactment of this Act and shall apply to expenditures made under a State plan or waiver of such plan under title XIX of the Social Security Act (42 U.S.C. 1396 through 1396w-6) or under a State child health plan or waiver of such plan under title XXI of such Act (42 U.S.C. 1397aa through 1397mm) on or after such effective date.

Subtitle J—Supplemental Security Income for the Territories

SECTION 131001. EXTENSION OF THE SUPPLEMENTAL SECURITY INCOME PROGRAM TO PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, GUAM, AND AMERICAN SAMOA.

(a) IN GENERAL.—Section 303 of the Social Security Amendments of 1972 (86 Stat. 1484) is amended by striking subsection (b).

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION OF STATE.—Section 1101(a)(1) of the Social Security Act (42 U.S.C. 1301(a)(1)) is amended by striking the 5th sentence and inserting the following: ''Such term when used in title XVI includes Puerto Rico, the United States Virgin Islands, Guam, and American Samoa.''.

(2) EXEMPTION OF SSI PAYMENTS FROM LIMIT ON TOTAL PAYMENTS TO THE TERRITORIES.—Section 1108(a)(1) of such Act (42 U.S.C. 1308(a)(1)) is amended by striking ''under titles I, X, XIV, and XVI''.

(3) UNITED STATES NATIONALS TREATED THE SAME AS CITIZENS.—Section 1614(a)(1)(B) of such Act (42 U.S.C. 1382c(a)(1)(B)) is amended—

(A) in clause (i)(I), by inserting ''or national of the United States,'' after ''citizen'';

(B) in clause (i)(II), by adding ''; or'' at the end; and

(C) in clause (ii), by inserting ''or national'' after ''citizen''.

(4) TERRITORIES INCLUDED IN GEOGRAPHIC MEANING OF UNITED STATES.—Section 1614(e) of such Act (42 U.S.C. 1382c(e)) is amended by striking ''and the District of Columbia'' and inserting '', the District of Columbia, Puerto Rico, the United States Virgin Islands, Guam, and American Samoa''.

(c) WAIVER AUTHORITY.—The Commissioner of Social Security may waive or modify any statutory requirement relating to the provision of benefits under the Supplemental Security Income Program under title XVI of the Social Security Act in Puerto Rico, the United States Virgin Islands, Guam, or American Samoa, to the extent that the Commissioner deems it necessary in order to adapt the program to the needs of the territory involved.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on January 1, 2024.

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 2 hours equally divided among and controlled by the chair and ranking minority member of the Committee on the Budget or their respective designees and the chair and ranking minority member of the Committee on Ways and Means or their respective designees.

The gentleman from Kentucky (Mr. YARMUTH), the gentleman from Missouri (Mr. SMITH), the gentleman from Massachusetts (Mr. NEAL), and the gentleman from Texas (Mr. BRADY) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. YARMUTH).

GENERAL LEAVE

Mr. YARMUTH. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD on H.R. 5376.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. YARMUTH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the bill before us today marks a triumph for our Nation. After months of negotiations within our Caucus and our committees, with our colleagues in the Senate, and with the White House, I am proud to present the most consequential legislation for American families since the New Deal.

The Build Back Better Act makes historic investments over 10 years to overhaul and reimagine entire sectors of our economy and society so that everyone, not just those at the top, will benefit from a growing economy.

This bill delivers the most transformative investment in children and caregiving in generations, the largest effort to combat climate change in American history, the biggest expansion of affordable health coverage in a decade, the most significant effort to bring down costs and strengthen the middle class in generations, investments and key reforms to make our tax system more equitable, and more.

To be clear, if we were only making the largest investment in childcare in the history of the Nation, saving most American families more than half of their spending on childcare, that would be a major victory for the American people.

If we were only guaranteeing universal preschool for all 3- and 4-year-olds, the first expansion of basic public education in our country in 100 years, that would be a major victory for the American people.

If we were only making our Nation's largest investment ever to combat the climate crisis, that would be a major victory for the American people.

If we were only capping out-of-pocket prescription drug costs under Medicare at $2,000, saving more than a million seniors an average of $1,200 a year, that would be a major victory for the American people.

If we were only expanding the Affordable Care Act so that those who have been locked out of Medicaid can get good coverage and then requiring all insurance companies to provide insulin for no more than $35 a month, that would be a major victory for the American people.

If we were only making the single largest and most comprehensive investment in affordable housing in U.S. history, that would be a major victory for the American people.

If we were only providing one of the largest middle-class tax cuts in our Nation's history, that would be a major victory for the American people.

But in this bill, the Build Back Better Act, we don't just do one of these. We do all of them. Each of these investments on its own will make an extraordinary impact on the lives of American families. Together, they will be transformative.

Here is the kicker. Because our tax system has been so unjust, so tilted to benefit the well-off and the well-connected, we can pay for all this by simply making our tax code more fair.

It is a hell of a deal. It is why Nobel Prize-winning economists and other experts backed this paid-for and progrowth agenda, citing how it will make our tax system more equitable, ease longer term inflationary pressures, and help American families build a much stronger future.

That is what governing should be about. It is not a game. We aren't elected to make a scene. We are elected to make a difference and to make the lives of the people we serve better.

Enacting this legislation will be a momentous achievement for Congress. More importantly, it will change lives. It will save lives. It will deliver on the promise of the American Dream for generations to come.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Missouri. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is an absolute disgrace. It is beyond belief how terrible this moment is. It is embarrassing to the people of the United States what is going on.

We have seen three versions of this bill written behind closed doors in Speaker PELOSI's office. As we stand here this second—as we stand here, Madam Speaker, this second—they are rewriting a fourth version of the bill in Speaker PELOSI's office.

We will be recessing shortly, sometime during this debate, so the Rules Committee can present a fourth version of a 2,000-page bill. Once again, in this House, Speaker PELOSI is trying to pass a bill before anyone knows what is in it, so then the American people can read it after it has been passed.

Let me tell you, Madam Speaker, I will tell you what is in the version of the bill right now. It is the worst piece of legislation that I have seen in my entire life of public service. It is transformational. It will completely change America as we know it, all at the expense of working-class families.

They call it the Build Back Better bill. Let me tell you what those three b's stand for: bankrupts the economy; benefits the wealthy; and builds the Washington machine.

We are standing here because this is a budget bill. It originated in the Budget Committee. Speaker PELOSI said that a budget is a statement of your values. Well, let's see the Democratic Party's values by what is in their bill.

Of this 2,100-page bill, it bankrupts the economy. They will try to tell you that the bill is less than $2 trillion. They will try to tell you that a $4.5 trillion spending bill will cost zero. Well, the American people are not stupid. You don't spend $4.5 trillion and it costs zero. That is one of their talking points.

Even Senator MANCHIN, a Democrat Senator from West Virginia, says that this bill creates shell games.

We know there are all kinds of budget gimmicks to try to make it look like it only spends $1.5 trillion. In fact, it spends $4.5 trillion. Even The New York Times agrees that it spends a whole lot more money than what the Democrats are saying.

It is also not only the largest spending bill in the history of this United States; it is the largest tax increase in the history of the United States. It increases taxes on working-class families of all income levels, all at a time when we are facing record inflation.

Since Joe Biden has taken office, inflation is over 7 percent. In my home State, inflation is over 8 percent.

Madam Speaker, the folks on the other side of the aisle will say that inflation is just a high-class problem. They will say that it is only transitory. But I can tell you, the people of Missouri and the people across this country care about those increasing prices in the supermarket, not the prices in the stock market.

This bill only punishes Main Street while rewarding Wall Street, and you should be ashamed of what is going on in this bill, Madam Speaker. This bill benefits the wealthy beyond belief.

The Democrats always say that they are the party of the working class. Well, in fact, the 10 most wealthy congressional districts in this body are all held by liberal Democrats. In fact, Wall Street spent more than $70 million to defeat Donald Trump and to elect Joe Biden. Why are they doing this bill? They are doing this bill to reward their political friends, their constituents, their allies, their donors.

The second largest program in this bill is a tax cut for millionaires, $250 billion for a tax cut for millionaires. A millionaire family will get $25,900 in a tax break in this bill, but a middle-class family will get $20.

□ 1030

They are just rewarding their friends.

But, Madam Speaker, do you know what?

Those millionaires also get $12,500 to buy luxury electric cars.

Guess what, Madam Speaker?

Those millionaires also get government taxpayer-paid family leave. The list goes on and on about the benefits to the wealthy. This body should be ashamed of what is about to happen.

The third B, it builds the Washington bureaucracy. This bill creates more than 150 new Federal programs.

It is all about control. This bill is about controlling every aspect of Americans' lives whether it is their paychecks, whether it is their healthcare decisions, or whether it is their kids' education. I would think that the Democrats, after seeing what happened a few weeks ago in Virginia, New Jersey, and all across this country, would know that the American people are fed up with government control. In fact, over the weekend, a poll said 60 percent of Americans believe that Joe Biden and the Democrats are expanding government control beyond belief.

If we want to protect working-class families, if we want to protect our freedoms, and if we want to save America, we have to kill this bill.

Madam Speaker, I reserve the balance of my time.

Mr. YARMUTH. Madam Speaker, it must be easy to be a Republican in Congress these days because you can make things up. You can throw out numbers without any fear of being contradicted. But we will have, probably by the end of the day, a CBO score from the Congressional Budget Office which will undercut virtually every argument that the gentleman from Missouri made.

Madam Speaker, I yield 1 minute to the gentleman from Virginia (Mr. SCOTT), who is the distinguished chairman of the Education and Labor Committee and also a member of the Budget Committee.

Mr. SCOTT of Virginia. Madam Speaker, the Build Back Better Act addresses urgent challenges that workers, families, and businesses face every day. With provisions just within the jurisdiction of the Education and Labor Committee, the bill makes childcare affordable and secures universal preschool for 3- and 4-year-olds lowering the costs of working families and boosting our economy by helping parents reenter the workforce. It also allows 9 million more children to receive healthy school meals.

It lowers the cost of prescription drugs, and it lowers the cost of higher education. Through investments of

high-quality job training programs, it gives workers more opportunities and enhances the skills of our workforce.

Madam Speaker, the Build Back Better Act is a historic proposal that will lower costs for nearly every American family, creates good-paying jobs, and sets a strong foundation for the future of this country—and it is paid for.

Madam Speaker, I encourage all of our colleagues to support the bill.

Mr. SMITH of Missouri. Madam Speaker, I yield 1½ minutes to the good gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. Madam Speaker, the latest estimate for the Democrats' build back broke bill is $4.9 trillion. That averages about $40,000 per family over the next decade.

They say it is paid for. Well, by whom?

By you, of course, through direct taxes, tax-driven price increases, and worst of all, inflation.

And what do you get?

Well, amnesty for 7 million illegal aliens. That is the entire population of Alaska, Wyoming, Vermont, Rhode Island, Delaware, North Dakota, South Dakota, and Montana combined.

Now, explain to me how working Americans are helped by flooding the market with low-wage foreign labor.

The trillions of dollars of excess spending by the Democrats has already driven the inflation rate to 6.2 percent and rising. Madam Speaker, that means if you earn $50,000 a year, the Democrats just took $3,100 of that. If you have managed to put $100,000 towards your retirement, the Democrats just took $6,200 of that.

Policy matters. When Republicans reduced the tax and regulatory burdens, we delivered the lowest unemployment rate in 50 years, the lowest poverty rate in 60 years, and the fastest wage growth in 40 years. The Democrats have reversed these policies and reproduced the misery that we are suffering today.

The American people know that we are on the wrong track and that this bill sends us deeper into that cold and bleak winter.

Build back better?

How about put things back the way they were before you broke them, Madam Speaker.

Mr. YARMUTH. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. AGUILAR), who is the vice chair of the Democratic Caucus.

Mr. AGUILAR. Madam Speaker, I thank the chairman for yielding time.

Sometimes what happens in Congress is complicated. It is wrapped in parliamentary procedure and language that is hard to understand.

So let's be very clear about the legislation that we are discussing today. The Build Back Better Act is a tax cut for working families. It is an extension of the child tax credit and preschool access to help parents get back to work. It is the largest ever initiative to fight climate change. It is a tool to give every American a chance to succeed.

Passing this bill will lift children out of poverty, expand our middle class, and make healthcare more affordable. It is simple.

Madam Speaker, we need to pass this bill because the American people deserve this investment.

Mr. SMITH of Missouri. Madam Speaker, I yield 1 minute to the gentleman from Iowa (Mr. FEENSTRA).

Mr. FEENSTRA. Madam Speaker, I thank Ranking Member SMITH for yielding.

Madam Speaker, I rise today in strong opposition to this reckless social spending bill. It is simply wrong that, rather than funding mandatory programs like Social Security and Medicare—which are on the verge of insolvency over the next 10 years—Democrats instead are adding 150 new programs to this bill. Think about that, seniors. Your money that is coming to you every day is on the verge of bankruptcy, and yet the Democrats are adding another 150 programs.

Academic economists all over our country are saying that this bill is a complete disaster for all Americans because it will dramatically increase taxes. The Penn Wharton Budget Model estimates that the new programs will dramatically increase the debt by $4 trillion every year. Families and businesses can't continue to go down this path of continuing to see increases in our gas, our groceries, and our hardware supplies all because of this reckless spending that continues to happen by the Democrats.

Mr. YARMUTH. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. JEFFRIES), who is the Democratic Caucus chairman and a distinguished member of the Budget Committee.

Mr. JEFFRIES. Madam Speaker, I thank the distinguished chair of the Budget Committee for his leadership.

Madam Speaker, there is a big difference between Democrats and Republicans. We fight for the people; they fight for the privileged few. We will pass the Build Back Better Act. They passed the GOP tax scam where 83 percent of the benefits went to the wealthiest 1 percent so they could subsidize the lifestyles of the rich and shameless. There is a big difference between Democrats and Republicans.

The Build Back Better Act will invest in the creation of millions of good-paying jobs and cut taxes for working families. It will lower childcare costs, housing costs, and education costs; and it will drive down the high cost of life-saving prescription drugs.

The Build Back Better Act will invest in a green economy—a sustainable economy and a resilient economy—and lower energy costs for everyday Americans.

The Build Back Better Act will create an economy that works for every single American creating opportunity and prosperity in every single ZIP Code.

Madam Speaker, I thank President Biden for his extraordinary leadership. Democrats don't talk about it; we are about it. And because we are going to build back better for the people here in America, the best is yet to come.

Mr. SMITH of Missouri. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to read a quote of a Senator who happens to be the budget chair on the other side of the aisle. He is quoted, ''You can't be a political party that talks about demanding the wealthy pay their fair share of taxes and then end up with a bill that gives large tax breaks to many millionaires.

''You can't do that. The hypocrisy is too strong. It's bad policy, it's bad politics.''

Madam Speaker, I agree with Senator BERNIE SANDERS. In this bill the hypocrisy is way too strong.

Madam Speaker, I yield 1 minute to the great gentleman from North Carolina (Mr. ROUZER).

Mr. ROUZER. Madam Speaker, I thank my friend for yielding.

Madam Speaker, the 2,000-plus-page bill before us today has countless provisions that are going to substantially increase the debt, incentivize even more people not to work, and hike the taxes of the very ones who create the jobs.

It levies more than $400 billion in tax hikes on small businesses, and it includes a $1.2 trillion Made in America tax plan that is going to do nothing but send jobs overseas. It spends nearly $80 billion so the IRS can go after the average taxpayer and snoop around his bank account. It eliminates work requirements for welfare when, in fact, we have 10.4 million jobs available.

It prevents lifesaving drugs from coming to market and disincentivizes the innovation necessary to discover cures. It hinders domestic energy production and even imposes a tax on natural gas.

Should this monstrosity become law, it will hurt the economy, drive up the debt, and increase inflation even more—all of which means the standard of living of each and every American is going to decline.

Mr. YARMUTH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, virtually every Republican who comes to the microphone today will say that this is an inflationary bill. We know that. They have said that time after time after time.

Unfortunately, the experts disagree with them. Seventeen Nobel economists have written a letter stating that they believe this, over the long term, will ease inflationary pressures.

Former Treasury Secretary Larry Summers, who is as much of an inflation hawk as there is in this country, I think, said just last week, ''I'm for Build Back Better. I'm for it because of what it'll do for the environment. I'm for it because of what it'll do for the society.

''I don't think it's going to have a meaningful impact on inflation. It spends less money over 10 years than we spent just last year. Its spending is largely offset by tax increases. And it includes measures that will actually increase supply.''

This is from the former Secretary of the Treasury, Larry Summers.

Madam Speaker, I yield 1 minute to the gentleman from Michigan (Mr. KILDEE), who is a distinguished member of the Budget Committee.

Mr. KILDEE. Madam Speaker, I thank the chairman for yielding and for his work on this important piece of legislation.

With the Build Back Better budget, we help lower costs for the working families that I represent. We lower healthcare costs by allowing Medicare to negotiate the price of drugs like insulin, lowering out-of-pocket costs for those families back home that I represent.

It will lower childcare costs by ensuring universal preschool for all 3- and 4-year-olds and expanding the child tax credit, which is a monthly tax cut helping working families with children pay for groceries and school supplies and take care of their monthly mortgage payments.

This Build Back Better budget isn't free. It is fully paid for. It is paid for by making corporations and the wealthiest Americans finally step up and begin to pay their fair share.

Today, Democrats are delivering on this important legislation to cut taxes and to lower costs for working Americans and for those middle-class families that I represent.

Mr. SMITH of Missouri. Madam Speaker, only in this Chamber will you hear people say that if you spend trillions more dollars it will only make inflation go down. The American people aren't that stupid.

Madam Speaker, I yield 1 minute to the fine gentleman from New York (Mr. GARBARINO).

Mr. GARBARINO. Madam Speaker, I thank my friend for yielding.

Madam Speaker, I rise in strong opposition to this so-called reconciliation bill. This Build Back Better bill is nothing more than a sham to push far radical progressive policies on America, policies that America doesn't want and doesn't need. This will be the largest spending bill in our Nation's history, the largest tax increase in our Nation's history, and it is going to fall on the backs of middle-income and low-income families.

And for what, Madam Speaker?

A massive government takeover with 150 new programs when we can't even work the programs we have now well. It would grant amnesty to 7 million illegal immigrants and put billions into the Green New Deal.

How do they plan to pay for it, Madam Speaker?

By weaponizing the IRS to go after small businesses and families. But that won't be enough because of the price tag of this bill.

It will explode our national debt and my grandchildren will have to pay for this.

This socialist spending spree is a bad bill. It is bad for Long Island; it is bad for the Nation. I urge all of my colleagues to vote against it.

□ 1045

Mr. YARMUTH. Madam Speaker, I yield myself such time as I may consume.

That is another thing we are going to hear continuously throughout the day, and that is that these are socialist programs; just as we heard last week that building infrastructure in this country was a socialist activity. And now childcare is socialist. Public education is socialist. Caring for our seniors is socialist. Dealing with climate change is socialist.

I would like to get a definition from my Republican colleagues about what socialism is because the American people see this very differently; and virtually every poll on this piece of legislation has shown overwhelming support for each the elements that we are proposing.

Madam Speaker, I am proud to yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON LEE), a distinguished member of the Budget Committee.

Ms. JACKSON LEE. Madam Speaker, I thank the chairman for his great leadership.

This bill is about people; people who are working, people who need help. It is about people; the American people.

I am very happy that this bill really focuses on the needs of people in Texas. In Texas, people are paying $9,428 for a toddler, but we are now going to provide them with childcare for 3- and 4-year olds, and free childcare. We are going to provide it for 2 million-plus children in the State of Texas. We are, in essence, going to make sure that these children are learning.

You want to ask about inflation? That is corporate greed. Everyone knows when corporations raise the price of goods, there is inflation. But economists know that that is not going to exist because we are putting money in the pockets of working men and women, giving them a child tax cut.

We are also providing students to be able to go to community college, HBCUs, 4-year colleges with $550 in Pell Grants. That is what this bill is about, helping people; helping people with their childcare, helping people go to school.

It is also about making sure that the hungry children in Texas are able to eat. 1,642,000 students will be able to receive food. That is what this is about; putting money where people are having the need.

And yes, making sure that uninsured people, 766,000 in Texas without any insurance, suffering through the pandemic, now have insurance.

And we know that there has been an increase in violence; $2.5 billion in preventing violence.

This is about people; people who will have housing. It is about people. Vote for the Build Back Better Act. I thank President Biden.

Madam Speaker, as a senior member of the Committees on the Judiciary, on Homeland Security, and on the Budget, I rise in strong support of the Build Back Better Act (RCP 117–18, H.R. 5376), and am proud to have this opportunity to explain why this $1.75 billion package, conceived and advanced by President Biden and House Democrats, makes visionary and transformative investments to change for the better the health, well-being, and financial security of America's workers and families.

Today we are completing the job we began with the passage of the Bipartisan Infrastructure Framework, which I witnessed President Biden sign on the South Lawn of the White House.

To put it all in perspective, Madam Speaker, we have before us a once in a century opportunity to make gigantic progress in making ours a more perfect union, and to do it in a single bound with enactment of the Build Back Better Act, the most transformative legislation passed by this Congress since the Great Society and the New Deal.

I would urge my Republican colleagues to heed the words of Republican Governor Jim Justice of West Virginia who said colorfully earlier this year:

''At this point in time in this nation, we need to go big. We need to quit counting the egg-sucking legs on the cows and count the cows and just move. And move forward and move right now.''

The same sentiment was expressed more eloquently by Abraham Lincoln in 1862 when he memorably wrote:

''The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew and act anew. We must disenthrall ourselves, and then we shall save our country.''

Madam Speaker, I am especially excited to support this bill because it directly impacts the members of my community and will improve the lives of Texans everywhere.

The Build Back Better Act will bring down costs that have held back families in Texas for decades by cutting taxes and making child care, home care, education, health care, and housing more affordable.

These investments will provide new learning opportunities for children, help parents, and especially working parents, make ends meet, and position the economy for stronger growth for years to come.

The Build Back Better Act will create good-paying jobs for residents of Texas, combating climate change, giving our kids cleaner air and water, and making America the leader in global innovation and 21st century manufacturing.

Specifically, Madam Speaker, the Build Back Better Act delivers the largest investment in child care and early education in history by providing access to affordable child care.

Child care is a major strain for families in Texas, where the average annual cost of a child care center for a toddler is $9,428, meaning that a Texas family with two young children would on average spend 21 percent of their income on child care for one year.

The lack of affordable options also makes it difficult for parents, and especially mothers, to

remain in their jobs, contributing to the 26.1 percent gender gap in workforce participation between mothers and fathers in Texas.

The Build Back Better Act will enable Texas to provide access to child care for 2,011,503 young children (ages 0–5) per year from families earning under 2.5 times the Texas median income (about $205,204 for a family of 4), and ensure these families pay no more than 7 percent of their income on high-quality child care.

The Build Back Better Act will provide universal, high-quality, free preschool for every 3- and 4-year old in America.

In contrast, today, only 24 percent of the 775,102 3- and 4-year-olds in Texas have access to publicly-funded preschool, and it costs about $8,600 per year for those who cannot access a publicly-funded program.

The Build Back Better Act will enable Texas to expand access to free, high-quality preschool to more than 588,286 additional 3- and 4-year-olds per year and increase the quality of preschool for children who are already enrolled.

Parents will be able to send their children to the preschool setting of their choice—from public schools to child care providers to Head Start—leading to lifelong educational benefits, allowing more parents to go back to work, and building a stronger foundation for Texas's future economic competitiveness.

The Build Back Better Act cuts taxes and reduces some of the largest expenses for workers and families, like education, health care, and housing.

Madam Speaker, the average cost of a 2-year degree in Texas is $2,885 per year, and $11,096 per year for a 4-year degree, straining many student budgets.

To help unlock the opportunities of an education beyond high school, the Build Back Better Act will increase maximum Pell Grant awards by $550 for students at public and private non-profit institutions, supporting the 486,377 students in Texas who rely on Pell grants.

The Build Back Better Act will also invest in Texas's 112 minority-serving institutions and the students they serve, including Historically Black Colleges and Universities (HBCUs), Tribal Colleges and Universities (TCUs), and Hispanic-serving institutions (HSIs).

Madam Speaker, of the world's biggest economies, the United States is second to last in investing in workforce development, and funding for federal job training programs has dropped by almost half since 2001.

The Build Back Better Act invests in training programs that will prepare Texas's workers for high-quality jobs in fast-growing sectors like public health, child care, manufacturing, IT, and clean energy. Fifty-nine public community colleges in Texas will have the opportunity to benefit from grants to develop and deliver innovative training programs and expand proven ones.

Madam Speaker, 18 percent of children in Texas live in food insecure households, harming their long-term health and ability to succeed in school.

The Build Back Better Act will ensure that the nutritional needs of Texas's children are met by expanding access to free school meals to an additional 1,642,000 students during the school year and providing 3,631,226 students with resources to purchase food over the summer.

When it comes to housing costs, more than 1.7 million renters in Texas are rent burdened, meaning they spend more than 30 percent of their income on rent, while homeownership remains out of reach for many families.

The Build Back Better Act expands rental assistance for Texas renters, while also increasing the supply of high-quality housing through the construction and rehabilitation of over 1 million affordable housing units nationwide.

The Build Back Better Act addresses the capital needs of the entire public housing stock in America, and it includes one of the largest investments in down payment assistance in history, enabling more first-generation homebuyers to purchase their first home.

Madam Speaker, access to affordable quality health care should be a right, not a privilege, and residents of Texas facing illness should never have to worry about how they are going to pay for treatment.

The Build Back Better Act will close the Medicaid coverage gap to help millions of Americans gain health insurance, extend through 2025 the American Rescue Plan's health insurance premium reductions for those who buy coverage on their own, and help older Americans access affordable hearing care by expanding Medicare.

In Texas, that means 1,554,000 uninsured people will gain coverage, including the 771,000 who fell into the Medicaid coverage gap, and 1,066,400 will on average save hundreds of dollars per year.

In addition, the Build Back Better Act will support maternal health and invest in national preparedness for future pandemics.

Finally, the Build Back Better Act will expand access to home- and community-based care to more of Texas's senior citizens and disabled citizens and improve the quality and wages of caregiving jobs.

Madam Speaker, the federal budget is an expression of the nation's values and the investments made to Build America Back Better are a clear declaration of congressional Democrats' commitment to ensuring that our government, our economy, and our systems work For The People.

These long-overdue investments in America's future will be felt in every corner of the country and across every sector of American life, building on the success of the American Rescue Plan, accommodating historic infrastructure investments in the legislative pipeline, and addressing longstanding deficits in our communities by ending an era of chronic underinvestment so we can emerge from our current crises a stronger, more equitable nation.

Madam Speaker, the bipartisan action we took in February 2021 when we passed the American Rescue Plan was a giant step in the right direction, but it was a targeted response to the immediate and urgent public health and economic crises; it was not a long-term solution to many of the pressing challenges facing our nation that have built up over decades of disinvestment in our nation and its people in every region and sector of the country.

We simply can no longer afford the costs of neglect and inaction; the time to act is now.

The Build Back Better Act makes the transformative investments that we need to continue growing our economy, lower costs for working families, and position the United States as a global leader in innovation and the jobs of the future.

This $1.75 trillion gross investment will build on the successes of the American Rescue Plan and set our nation on a path of fiscal responsibility and broadly shared prosperity for generations to come.

The Build Back Better Act will provide resources to improve our education, health, and child care systems, invest in clean energy and sustainability, address the housing crisis, and more; all while setting America up to compete and win in the decades ahead.

The Build Back Better Act is paid for by ensuring that the wealthy and big corporations are paying their fair share and Americans making less than $400,000 a year will not see their taxes increase by a penny.

Let me repeat that: No American making less than $400,000 a year will not see their taxes increase by a penny.

In sum, Madam Speaker, the investments made by the Build Back Better Act will expand opportunity for all and build an economy powered by shared prosperity and inclusive growth, and I would like to go into a little more detail about the specific ways this bill will help the people of Texas.

Contrary to what my friends on the other side of the aisle will say, the Build Back Better Act will cut taxes for Texas families and workers, not increase them.

Prior to the pandemic, 15 percent of children under the age of 18 in Texas lived in poverty.

The Build Back Better Act will bolster financial security and spur economic growth in Texas by reducing taxes on the middle class and those striving to break into it.

Specifically, the Build Back Better Act extends Child Tax Credit (CTC) increases of $300/month per child under 6 or $250/month per child ages 6 to 17, which will continue the largest one-year reduction in child poverty in history.

And critically, the agreement includes permanent refundability for the Child Tax Credit, meaning that the neediest families will continue to receive the full Child Tax Credit over the long-run.

The Build Back Better Act will also provide a tax cut of up to $1,500 in tax cuts for more than 1.5 million low-wage workers in Texas by extending the American Rescue Plan's Earned Income Tax Credit (EITC) expansion.

The Build Back Better Act will address the existential threat Texans face due to climate change by making the largest investment into our country's green future in American history.

From 2010 to 2020, Texas experienced 67 extreme weather events, costing up to $200 billion in damages.

The Build Back Better Act will set the United States on course to meet its climate targets—a 50–52 percent reduction in greenhouse gas emissions below 2005 levels by 2030—in a way that creates good-paying union jobs, grows domestic industries, and advances environmental justice.

The Build Back Better Act represents the largest ever single investment in a clean energy economy—across buildings, transportation, industry, electricity, agriculture, and climate smart practices in our lands and waters.

And the Build Back Better Act will create a new Civilian Climate Corps that will enlist a diverse generation of Texans in conserving our public lands, bolstering community resilience, and addressing the changing climate, all while putting good-paying union jobs within reach.

In clean energy and in other sectors, the Build Back Better Act will also strengthen domestic manufacturing and supply chains for

critical goods, benefiting American businesses, workers, consumers, and communities.

The Build Back Better Act will deliver meaningful outcomes for Black communities and help build an America in which all can thrive.

Black families are feeling the strain of the high costs of child care and are two times more likely than white parents to have to quit, turn down, or make a major change in their job due to child care disruptions.

Only 26.8 percent of Black 3- and 4-year old children are enrolled in publicly-funded preschool, while the average cost of preschool for those without access to publicly-funded programs is $8,600.

Under the Build Back Better Act, the vast majority of working Black families of four earning less than $300,000 will pay no more than 7 percent of their income on child care for children under 6.

This will expand access to the 9 out of 10 families with young children across the country who are working, looking for work, participating in an education or training program, or taking care of a serious health condition, and who are making up to 2.5 times their state's median income.

This means most families will cut their child care spending by more than half—for example, for two Black parents earning $100,000 per year, the Build Back Better Act will produce more than $5,000 in annual child care savings.

The Build Back Better Act also offers access to free preschool for all 3- and 4-year old children, providing Black parents access to high quality programs in the setting of their choice—from public schools to child care providers to Head Start.

The Build Back Better Act will also reduce the cost of home-based care for the hundreds of thousands of older Black adults and Black people with disabilities who need it and are unable to access it.

And investment in home care will raise wages for home care workers, 28 percent of whom are Black.

Almost 3.9 million Black people were uninsured in 2019 and even with the Affordable Care Act's premium subsidies, coverage under the ACA was too expensive for many families, and over 570,000 Black people fell into the Medicaid ''coverage gap'' and were locked out of coverage because their state refused to expand Medicaid.

The Build Back Better Act closes the Medicaid coverage gap while I also lowering health care costs for those buying coverage through the ACA by extending the American Rescue Plan's lower premiums, which could save 360,000 Black people an average of $50 per person per month.

With these changes, more than one in three uninsured Black people could gain coverage.

The Build Back Better Act also adds hearing coverage, including for the more than 5.8 million Black people on Medicare.

And, the Build Back Better Act will make an historic investment in maternal health, including for Black women, who die from complications related to pregnancy at three times the rate of white women.

Madam Speaker, about 30 percent of Black renters pay over half their income In rent.

The Build Back Better Act enables the construction, rehabilitation, and improvement of more than 1 million affordable homes, boosting housing supply and reducing price pressures for renters and homeowners and will make investments to improve the safety, energy efficiency, and quality of existing public housing, where nearly half of residents are Black.

It also expands the availability of housing choice vouchers to hundreds of thousands more families, including the nearly half of current voucher holders who are Black.

The Build Back Better Act will remove lead-based paint from housing units, which disproportionately affects Black children and provides grants for resident-led community development projects in neighborhoods that have faced systemic disinvestment.

The Build Back Better Act will ensure that the nutritional needs of Black children are met by expanding access to free school meals during the school year and providing students with resources to purchase food over the summer.

Madam Speaker, about 22.1 percent of Black people fall below the poverty line, struggling to pay expenses like food, rent, health care, and transportation for their families.

The Build Back Better Act extends the Child Tax Credit, providing a major tax cut to nearly 3 million Black people and cutting the Black poverty rate by 34.3 percent, which will help the 85 percent of Black women who are either sole or co-breadwinners for their families.

The Build Back Better Act permanently extends the American Rescue Plan's increase to the Earned-Income Tax Credit from $543 to $1,502, which will benefit roughly 2.8 million Black low-wage workers, including cashiers, cooks, delivery drivers, food preparation workers, and child care providers.

The Build Back Better Act increases the maximum Pell Grant by $550 per year for students enrolled in public and private, non-profit colleges and make an historic investment in Historically Black Colleges and Universities (HBCUs), as well as Tribal Colleges and Universities (TCUs), and minority-serving institutions (MSIs).

Through high-quality training programs, career and technical education pathways, and Registered Apprenticeships, President Biden's Build Back Better Act will invest in training programs that will prepare millions of Black workers for high-quality jobs in growing sectors.

The toll of gun violence overwhelmingly falls on Black Americans and other people of color.

For example, Black men make up 6 percent of the population but represent more than 50 percent of gun homicide victims.

That's why the Build Back Better Act provides $2.5 billion to support evidence-based community violence intervention programs shown to reduce violence.

These programs are effective because they leverage trusted messengers who work directly with individuals most likely to commit gun violence, intervene in conflicts, and connect people to social, health and wellness, and employment services to reduce the likelihood of violence.

Madam Speaker, no one is better prepared or more experienced to lead the American renaissance that will be produced by the investments made by the Build Back Better Act than President Biden, the architect of the American Rescue Plan and who as Vice President during the Obama Administration oversaw the implementation of the Recovery Act, which saved millions of jobs and rescued our economy from the Great Recession the nation inherited from a previous Republican administration.

And let us not forget that President Obama also placed his confidence in his vice president to oversee the rescue of the automotive industry, which he did so well that the American car industry fully recovered its status as the world leader.

Madam Speaker, let me briefly highlight some of the key investments made by the transformative Build Back Better Act that benefit all Americans.

The Build Back Better Act will provide two years of free pre-K and two years of free community college to ensure every student has the tools, resources, and opportunity to succeed in life.

It will also invest in our teachers and institutions that serve minority students and provide funding to give school buildings long-overdue infrastructure updates.

People lead happier, healthier, and more productive lives when they have had access to high-quality education and that is why the Build Back Better Act makes necessary investments to increase quality education by four years for all students at no cost to hard-working families.

The Build Back Better Act expands access to affordable, high quality education beyond high school, which is increasingly important for economic growth and competitiveness in the 21st century.

Specifically, the Build Back Better Act will increase the maximum Pell Grant by $550 for more the more than 5 million students enrolled in public and private, non-profit colleges and expand access to DREAMers.

It will also make historic investments in Historically Black Colleges and Universities (HBCUs), Tribal Colleges and Universities (TCUs), and minority-serving institutions (MSIs) to build capacity, modernize research infrastructure, and provide financial aid to low-income students.

The Build Back Better Act will help more people access quality training that leads to good, union, and middle-class jobs and will enable community colleges to train hundreds of thousands of students, create sector-based training opportunity with in-demand training for at least hundreds of thousands of workers, and invest in proven approaches like Registered Apprenticeships and programs to support underserved communities.

The Build Back Better Act will increase the Labor Department's annual spending on workforce development by 50 percent for each of the next 5 years.

The Build Back Better Act expands access to quality, affordable health care by strengthening the Medicare, Medicaid, and Affordable Care Act (ACA) Marketplace programs that millions of Americans already rely on.

It includes a major new expansion of Medicare benefits, adding a hearing benefit to the program for the very first time.

Only 30 percent of seniors over the age of 70 who could benefit from hearing aids have ever used them.

The Build Back Better Act strengthens the Affordable Care Act and reduces premiums for 9 million Americans who buy insurance through the Affordable Care Act Marketplace by an average of $600 per person per year.

Just for example, a family of four earning $80,000 per year would save nearly $3,000

per year (or $246 per month) on health insurance premiums and experts predict that more than 3 million people who would otherwise be uninsured will gain health. insurance.

The Build Back Better Act closes the Medicaid coverage gap, leading 4 million uninsured people to gain coverage.

The Build Back Better Act will deliver health care coverage through Affordable Care Act premium tax credits to up to 4 million uninsured people in states that have locked them out of Medicaid.

A 40-year old in the coverage gap would have to pay $450 per month for benchmark coverage—more than half of their income in many cases but thanks to the Build Back Better Act individuals would pay $0 premiums, finally making health care affordable and accessible.

The Build Back Better Act strengthens the ACA by extending the enhanced Marketplace subsidies that were included in the American Rescue Plan.

It also provides an affordable coverage option for the more than two million Americans living in states that have not expanded Medicaid under the ACA and do not earn enough to qualify for Marketplace subsidies.

When the Build Back Better Act is fully implemented, soon gone will be the terrible old days when too many Americans are forced to choose between medical care and putting food on the table or affording other necessities.

Madam Speaker, approximately 3.9 million Black people were uninsured in 2019 before President Biden took office and even with the Affordable Care Act's premium subsidies, coverage under the ACA was too expensive for many families, and over 570,000 Black people fell into the Medicaid ''coverage gap'' and were locked out of coverage because their state refused to expand Medicaid.

Madam Speaker, nearly 1 in 4 Americans struggle to afford prescription drugs but Medicare is currently prohibited from negotiating prescription drug prices to get the best deal for American seniors.

That changes with the historic Build Back Better Act, which authorizes Medicare negotiation of drug prices for high-cost prescription drugs, including drugs seniors get at the pharmacy counter (through Medicare Part D), and drugs that are administered in a doctor's office (through Medicare Part B).

Under the Build Back Better Act, drugs become eligible for negotiation once they have been on the market for a fixed number of years (9 years for small molecule drugs and 12 years for biologics) and Medicare will negotiate up to 10 drugs per year during 2023, increasing to up to 20 drugs per year.

The Build Back Better Act imposes a tax penalty if drug companies increase their prices faster than inflation, which should end the shameful days where drug companies could raise their prices with impunity.

Perhaps most important, the Build Back Better Act directly lower out-of-pocket costs for seniors by capping the amount seniors pay for their drugs under Medicare Part D at $2,000, a substantial reduction from the more than $6,000 that seniors pay today on average.

The Build Back Better Act will also lower insulin prices so that no American with diabetes pays more than $35 per month for needed insulin.

Madam Speaker, the cost of preschool in the United States exceeds $8,600 per year on average, and for as long as we can remember, child care prices in the United States have risen faster than family incomes, yet the United States still invests 28 times less than its competitors on helping families afford high-quality care for toddlers.

The Build Back Better Act supports families in need of child care by providing access to safe, reliable, and high-quality care delivered by a well-trained child care workforce.

The Build Back Better Act will provide universal and free preschool for all 3- and 4-year-olds.

This is the largest expansion of universal and free education since states and communities across the country established public high school 100 years ago.

This is important because our nation is strongest when everyone can join the workforce and contribute to the economy.

That is why this investment is vital to so many millions of—especially women—who are often forced to choose between working to support their family or caring for their family.

The Build Back Better Act will ensure that the vast majority of working American families of four earning less than $300,000 per year will pay no more than 7 percent of their income on child care for children under 6.

Under the Build Back Better Act, parents who are working, looking for work, participating in an education or training program, and who are making under 2.5 times their states median income will receive support to cover the cost of quality care based on a sliding scale, capped at 7 percent of their income.

The Build Back Better Act will help states expand access to high quality, affordable child care to about 20 million children per year—covering 9 out of 10 families across the country with young children.

For two parents with one toddler earning $100,000 per year, the Build Back Better Act will produce more than $5,000 in child care savings per year.

In addition, the Build Back Better Act promotes nutrition security to support children's health and help children reach their full potential by investing in nutrition security year-round.

The legislation will expand free school meals to 8.7 million children during the school year and provide a $65 per child per month benefit to the families of 29 million children to purchase food during the summer.

The Build Back Better Act will deliver affordable, high-quality care for older Americans and people with disabilities in their homes, while supporting the workers who provide this care.

Right now, there are hundreds of thousands of older Americans and Americans with disabilities on waiting lists for home care services or struggling to afford the care they need, including more than 800,000 who are on state Medicaid waiting lists.

A family paying for home care costs out of pocket currently pays around $5,800 per year for just four hours of home care per week.

The Build Back Better Act will permanently improve Medicaid coverage for home care services for seniors and people with disabilities, making the most transformative investment in access to home care in 40 years, when these services were first authorized for Medicaid.

The Build Back Better Act will improve the quality of caregiving jobs, which will, in turn, help to improve the quality of care provided to beneficiaries.

In the area of housing, the Build Back Better Act makes investments to ensure that Americans have access to safe and affordable housing by providing resources to increase housing vouchers and funding for tribal housing.

It also supports investments in programs that will help address our nation's housing crisis by increasing the supply of affordable homes for those in need and investing in historically underserved communities and those that have been previously left behind.

Specifically, the Build Back Better Act makes the single largest and most comprehensive investment in affordable housing in history and will enable the construction, rehabilitation, and improvement of more than 1 million affordable homes, boosting housing supply and reducing price pressures for renters and homeowners.

It will address the capital needs of the public housing stock in big cities and rural communities all across America and ensure it is not only safe and habitable but healthier and more energy efficient as well.

It will make a historic investment in rental assistance, expanding vouchers to hundreds of thousands of additional families.

And, perhaps even more importantly, the Build Back Better Act includes one of the largest investments in down payment assistance in history, enabling hundreds of thousands of first-generation home buyers to purchase their first home and build wealth.

In short, Madam Speaker, this legislation will create more equitable communities, through investing in community-led redevelopments projects in historically under-resourced neighborhoods and removing lead paint from hundreds of thousands of homes, as well as by incentivizing state and local zoning reforms that enable more families to reside in higher opportunity neighborhoods.

The Build Back Better Act will spur and empower comprehensive action to build an equitable clean energy economy with historic investments to transform and modernize the electricity sector, lower energy costs for

Americans, improve air quality and public health, create good-paying jobs, and strengthen U.S. competitiveness—all while putting our country on the pathway to 100 percent carbon-free electricity by 2035.

The Build Back Better Act extends and expands clean energy tax credits and supports clean electricity performance payments so utilities can accelerate progress toward a clean electric grid at no added cost to consumers.

The Build Back Better Act invests in clean energy, efficiency, electrification, and climate justice through grants, consumer rebates, and federal procurement of clean power and sustainable materials, and by incentivizing private sector development and investment.

Another exciting aspect of the Build Back Better Act, Madam Speaker, is that it will drive economic opportunities, environmental conservation, and climate resilience—especially in underserved and disadvantaged communities—including through a new Civilian Climate Corps.

Madam Speaker, the Build Back Better Act includes a $100 billion investment to reform our broken immigration system—and does it consistent with the Senate's reconciliation rules—as well as to reduce backlogs, expand legal representation, and make the asylum system and border processing more efficient and humane.

Madam Speaker, immigrants eligible for such protection are an integral part of Texas's social fabric.

Texas is home to 386,300 immigrants who are eligible for protection, 112,000 of whom reside in Harris County.

These individuals live with 845,300 family members and among those family members, 178,700 are U.S.-born citizen children.

These persons in Texas who are eligible for protection under the bill arrived in the United States at the average age of 8 and on average have lived in the United States since 1996.

They own 43,500 homes in Texas and pay $340,500,000 in annual mortgage payments and contribute $2,234,800,000 in federal taxes and $1,265,200,000 in state and local taxes each year.

Annually, these households generate $10,519,000,000 in spending power in Texas and help power the national economy.

The expansion of the Child Tax Credit (CTC) enacted in the American Rescue Plan has already benefited nearly 66 million children, put money in the pockets of millions of hard-working parents and guardians, and is expected to help cut child poverty by more than half.

The Build Back Better Act not only extends this meaningful tax cut, but it also extends the expanded Earned Income Tax Credit (EITC) and the expanded Child and Dependent Care Tax Credit, which help families make ends meet and put food on the table, reduce child poverty, and lessen the burden on hard-working Americans so they can provide a better future for America's children.

Madam Speaker, I urge all Members to join me in voting to pass H.R. 5376, the transformative, life-changing Build Back Better Act.

Mr. SMITH of Missouri. Madam Speaker, as the gentlewoman from Texas says, this helps a lot of people, especially if you are a millionaire. That is why it is the second largest provision in this bill. It is tax breaks for millionaires.

In fact, Senator TESTER from Montana is quoted, he is ''not a big fan because I think it gives tax breaks to the wrong people: rich people.'' That is a Democrat Senator from Montana.

Madam Speaker, I yield 1 minute to the fine gentleman from New York (Mr. JACOBS).

Mr. JACOBS of New York. Madam Speaker, Democrats claim their bill will cost $1.7 trillion. That number, by itself, should cause alarm. But this number is reached through budget gimmicks.

If Democrats succeed in making the provisions of this bill permanent, as they have publicly said they intend to do, then the cost will be much, much higher.

The Penn-Wharton Budget Model estimates total spending for this bill would be $4.6 trillion over 10 years if the provisions are made permanent. The Committee for a Responsible Budget estimates the cost at $4.9 trillion.

If Democrats are going to spend this kind of money, they should at least be honest about the true cost to the American people. I urge my colleagues to reject this reckless spending.

Mr. YARMUTH. Madam Speaker, I yield 1 minute to the gentleman from New York (Mr. MORELLE), a distinguished member of the Budget Committee.

Mr. MORELLE. Madam Speaker, the Build Back Better Act is an historic opportunity to reduce our Nation's healthcare costs, increase access to childcare, support working families, and strengthen our economy.

One item I would like to highlight is a provision to boost regional innovation. Since the 116th Congress, I have proudly sponsored the Innovation Centers Acceleration Act, legislation that would invest significant Federal dollars in our Nation's innovation efforts.

Federal R&D as a percentage of GDP has fallen considerably since the mid-1960s, harming our productivity and global competitiveness, while opening the door for China to lead the world in innovation.

I am incredibly proud that this bill includes $3.36 billion to create the regional innovation clusters envisioned in my proposal. Not only will this investment enhance our ability to be competitive, but it will create jobs at a time when they are needed the most.

I encourage my colleagues to join me in proudly supporting and advancing this historic legislation, and I look forward to its passage.

Mr. SMITH of Missouri. Madam Speaker, I appreciate the comments of the gentleman from New York, but I would just like to point out, in his home State, a family of four with two children under six, in just over a year, will face more than a $3,200 tax increase. But yet, a millionaire in his State, for the next 10 years, will receive a tax break of over $25,000 a year.

Madam Speaker, I am happy to yield 1½ minutes to the fine gentleman from Georgia (Mr. CARTER).

Mr. CARTER of Georgia. Madam Speaker, I thank the gentleman for yielding. I thank him for his leadership. It is extremely important.

Madam Speaker, I rise today in adamant opposition to what is a disastrous package. Disastrous. This very well may be one of the most consequential votes any of us, any of us have ever taken on this House floor.

Yet, it has never, never gone through the proper process. It never received the proper consideration this body demands of any piece of legislation, the least of which would be one of the most consequential pieces of legislation that we have ever considered.

I am sure most Members, on both sides of the aisle, do not fully know what is actually in this bill. Has anybody, has any Member actually read this bill? Anybody?

My colleagues across the aisle are attempting to pass the most expensive bill, the most expensive bill, not by a little bit, by a lot. It is, yes, it is the most expensive bill by a lot that has ever been passed in American history. It has the largest tax increase ever considered and the biggest expansion of government in a generation; all while they have the slimmest of majorities. This is not a mandate.

Look, what is going on? Look, what is happening here? The American people are rejecting this. You saw what happened in Virginia. You see what is happening now.

We have got all these things going on.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Missouri. Madam Speaker, I yield an additional 30 seconds to the gentleman from Georgia.

Mr. CARTER of Georgia. Americans are told that they shouldn't have a say in their children's education. They watched as Americans were abandoned behind enemy lines in Afghanistan. They see the crisis at our border. They go to the gas station; they see an increase in gasoline prices. They see increases at the grocery store. This legislation makes it worse. This legislation pours fuel on the fire.

Madam Speaker, I sincerely urge all of my colleagues to oppose this misguided and profoundly consequential bill.

Mr. YARMUTH. Madam Speaker, I yield 1 minute to the gentlewoman from Minnesota (Ms. CRAIG), a distinguished member of the Agriculture Committee.

Ms. CRAIG. Madam Speaker, the Build Back Better Act follows through on our commitment to expand access to and lower the cost of healthcare for Americans across this country and back home in Minnesota.

Included in this bill are the most far-reaching and impactful prescription drug reforms to pass this Congress in my lifetime. Not only will Medicare have the power to negotiate the prices of critical drugs for America's seniors, we are installing annual caps for Medicare recipients, capping the cost of insulin at $35 a month.

We have designed a package that would lower out-of-pocket healthcare costs for hardworking Americans by strengthening the ACA, extending the premium tax credits for millions of families nationwide.

This is our chance to make good on our promise to deliver a real, immediate impact that will lower the cost of healthcare to make it more affordable, more accessible for every person across this country.

I, for one, could not be more proud, and I encourage my colleagues to get this done.

Mr. SMITH of Missouri. Madam Speaker, I yield 1½ minutes to the gentlewoman from the great State of North Carolina (Ms. FOXX).

Ms. FOXX. Madam Speaker, I thank the gentleman for yielding.

Democrats' spending bill is not about building back better, it is about building up a bureaucracy that will expand the reach of the Federal Government, especially over education.

This bill will impose Federal control over pre-K, limit parental choice, increase the cost of childcare, punish job creators, reward far-left special interests, and deepen our debt crisis.

This bill recklessly sets aside $400 billion for universal pre-K and childcare but, in reality, there is no telling how much this provision will cost the American people. Subsidizing the childcare of wealthy families isn't building back better, it is building back bankrupt.

This legislation is wrong for our country and wrong for our children. Education is best when run locally and when parents are involved.

The bill also includes dangerous provisions from the PRO Union Bosses Act, which kneecap business owners while putting a target on job creators' backs with outrageously inflated Labor Department fines.

Democrats keep saying this legislation is transformational. Well, let me tell them something: The American people do not want this country to be transformed in the way they want to transform it.

It is time to make protecting the future of this Nation, our children, a priority, not empowering teachers unions, burdening job creators, or centralizing control in the hands of unelected, unaccountable Washington bureaucrats.

Mr. YARMUTH. Madam Speaker, I am happy to yield 1 minute to the gentlewoman from California (Ms. CHU), a distinguished member of the Budget Committee.

Ms. CHU. Madam Speaker, I rise today in strong support of the transformational Build Back Better Act and the investments it will make in our economy to help working families in our country.

I am proud that, after months of compromise and negotiation, we have a bill today that is certain to make a difference in the lives of so many, while growing our economy and confronting the climate crisis.

By extending the child tax cut, making childcare affordable, and lowering drug prices, we are giving families more money in their pockets. We are also ensuring 4 weeks of paid leave for all workers so that nobody has to lose their job in order to take care of themselves or loved ones; something so many families have struggled with this pandemic.

And all these investments are completely paid for by ensuring that billionaires and corporations pay their fair share. Those who get rich off the backs of working families need to pay their fair share and support them.

Mr. SMITH of Missouri. Madam Speaker, I am happy to yield 2 minutes to the gentlewoman from Colorado (Mrs. BOEBERT). She is someone who is a warrior, a fighter for conservatism and, apparently, even the Budget chairman is threatened by her.

Mrs. BOEBERT. Madam Speaker, I thank my friend, the ranking member on the Budget Committee, who has done an excellent job exposing these terrible schemes to the American people this Congress.

Madam Speaker, America does not need and cannot afford this junk. America doesn't need 80,000 new IRS agents snooping in our private transactions. These are politically weaponized bureaucrat bullies that we are looking to hire more of.

America cannot afford $1.5 trillion in new taxes, while Federal bureaucrats haul off and spend $4.1 billion on electric bicycles.

□ 1100

Do they realize that this will use more fossil fuels, more petroleum products, to create electric bicycles than conventional bicycles? I don't think so. I think they have lost their ever-loving minds.

It includes $7.8 billion for environmental justice going toward woke universities; $100 billion for amnesty workarounds, as our southern border is completely invaded by nearly 2 million illegal aliens, many of them criminal aliens. There is $55 billion for Green New Deal policies and tax breaks so congressional Members from the Bronx can afford a new Tesla.

Biden's broke back budget has another $330 billion to incentivize workers to stay home. News flash to the party of wealthy cities and wealthy elites: We have a worker shortage right now in America. We have an inflation crisis. This will only make things worse, much worse, not better.

But let me guess. When things do get worse, as they inevitably will, we will need to reelect you-all's sorry selves so you can fix it, right? No thanks. I will pass. I urge my colleagues to vote ''no'' on this monstrosity of a spending bill.

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Mr. YARMUTH. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT), a distinguished member of the Budget Committee.

Mr. DOGGETT. Madam Speaker, this bill offers childcare; educational opportunities from pre-K to post-grad; and the first belated, substantial response to the climate crisis. My top healthcare priority is providing assistance to 2 million Texans out of 6 million Americans who were denied healthcare by sorry Republican Governors. Families left out and left behind can finally see a family physician. From my bill to strengthen Medicare, we at least cover hearing care, which is important to reducing depression and dementia.

Had we overcome Big Pharma's stranglehold over this Congress, we could have delivered much more. Savings from meaningful drug price negotiations could have financed vision and dental. Without further Biden administration action though, most Americans will still be victims of prescription price gouging.

While so much remains to be done, this historic legislation offers real hope and opportunity, reducing inequities and lifting up those too often forgotten.

Mr. SMITH of Missouri. Madam Speaker, I yield 1½ minutes to the gentleman from Wisconsin (Mr. GROTHMAN).

Mr. GROTHMAN. Madam Speaker, I think I can find something I agree with my Democrat colleagues on. This bill is a transformational bill. It is a bill made up by people who think America is fundamentally broken and that we have to make big changes. That is what we are going to get.

I will focus quickly on five areas.

One, illegal immigration. Under this bill, we are adding no new Border Patrol agents, but we are making it more difficult to deport people who have committed serious crimes here. We are using an additional carrot to get people here in that we are giving away free college to match the free healthcare we are already giving.

One way that this bill would transform America is you get a lot more illegal immigrants. Since yesterday, for the first time, we topped 100,000 illegal drug deaths in this country. I think this bill ensures that number is going to continue to go up. That is an undersold story.

Secondly, I have always felt the biggest problem in America right now is an out-of-control welfare system that

destroys families. That system becomes more generous in this bill, be it through much more low-income housing or an earned income tax credit provision that increases the marriage penalty or Pell grants.

This is a transformative bill, and I strongly wish my colleagues would vote against it.

Mr. YARMUTH. Madam Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. WATERS), the distinguished chair of the Financial Services Committee.

Ms. WATERS. Madam Speaker, I rise in support of the Build Back Better Act, which will make historic investments across the country.

We are in the middle of a housing crisis, and I have worked hard for funding to assist this crisis that we have in housing. As chairwoman of the Financial Services Committee, I have considered this my responsibility.

It is not lost on me that more than 580,000 people experience homelessness on any given night, and millions of families are at this very moment sacrificing their next meal to pay the rent. Many more have been kept out of their dream of homeownership.

With more than $151 billion for housing in this bill, Democrats are helping families achieve housing stability and housing affordability.

Housing is infrastructure. The Build Back Better Act provides the largest investment in America's housing infrastructure in history. This investment is critical to creating a fair and equitable Nation where everyone can thrive.

As this bill goes to the Senate, in it we have $10 billion for first-generation home buyers; we have $25 billion in Section 8 rental assistance; we have $25 billion in the HOME program, CDBG, and the housing trust fund to build more affordable units.

So I would ask for support of this very significant legislation. It is indeed a game-changer. I urge my colleagues to vote ''yes'' on the Build Back Better Act.

Mr. SMITH of Missouri. Madam Speaker, as the gentlewoman from California said, there is $150 billion in this program for housing assistance. What is unfortunate, which she didn't share, is that it also allows felons of domestic violence to get those grants, which is unacceptable.

Madam Speaker, I yield 1 minute to the gentleman from Virginia (Mr. CLINE).

Mr. CLINE. Madam Speaker, inflation rates are at a 30-year high, and gas prices are up 61 percent since last year. Why? Well, according to Joe Biden, it is because of the American Rescue Plan that this body passed in the spring. No less than the President himself said:

> You got checks, but what happens if there is nothing to buy and you got more money to compete for goods? It creates a real problem.

Yes, Mr. President, it does create a real problem, and now you are trying to double down with this broke back better bill.

What does it do? It further harms the economy with $4.5 trillion in new spending, $1.5 trillion in new taxes, and $3 trillion in new debt. It benefits the wealthy with a SALT tax cut of $25,000 for millionaires, electric vehicle subsidies for couples making $500,000 a year, and government-funded paid leave for millionaires. It builds the bureaucracy with 150 new government programs, props up the Green New Deal, and weaponizes the IRS.

Madam Speaker, this is the wrong plan for the American people, and I urge my colleagues to vote ''no.''

Mr. YARMUTH. Madam Speaker, I yield 1 minute to the gentlewoman from Washington (Ms. JAYAPAL), a distinguished member of the Budget Committee.

Ms. JAYAPAL. Madam Speaker, this is an incredible day. The House will pass the Build Back Better Act, President Biden's popular and necessary agenda, and say to Americans everywhere: We have got your back.

Today, we say to families everywhere that we will cut your childcare costs in half and provide universal pre-K to 3- and 4-year-olds.

Today, we are finally going to take on Big Pharma, cut the cost of prescription drugs, and make sure that people can afford the cost of insulin.

This bill makes the biggest Federal investment in housing in our history and allows America to truly lead on taking on climate change, with half a trillion dollars of investment and 40 percent of those funds going to communities that are most disproportionately burdened by the effects of climate change.

For the first time in 35 years, we say to immigrants: You are truly essential, not expendable. We will protect Dreamers, TPS holders, essential workers, and farmworkers.

I thank President Biden for his leadership. We will provide transformative change for people across America and invest in our competitiveness; our thriving, not surviving; and our humanity.

Mr. SMITH of Missouri. Madam Speaker, I yield myself such time as I may consume.

I would like to read a quote from the Democrat Congressman from Maine, talking about the huge tax break for the millionaires. He says: ''The fact that more people and organizations on the Democratic side aren't up in arms about this is wild.''

I am surprised with a lot of my colleagues on the other side who want to help working-class Americans, who instead are going to be supporting a bill that helps wealthy Americans.

Madam Speaker, I yield 1½ minutes to the gentleman from Virginia (Mr. GOOD).

Mr. GOOD of Virginia. Madam Speaker, the voters of Virginia sent a message 2 weeks ago because they were scared to death of the continuation of these radical Biden policies, the radical policies of Governor Northam in Virginia, scared to death of the continuation of that that was represented by the potential election of Terry McAuliffe. Did the Democrat majority hear that message? No.

When this phony infrastructure bill is implemented, that was passed 2 weeks ago, we will have $30 trillion in debt, which equates to $90,000 per American.

For my friends across the aisle, who are economically illiterate and not good at math, the $30 trillion worth of debt is a 3 with 13 zeros. Please don't tell them what comes after a trillion.

But it is not just the spending of this $2 trillion to $4 trillion. They don't even know what it will cost because we don't have a score.

It is 150 new programs. It is growing the welfare state. It is trying to get more people dependent on the Democrats for their sustenance, separating work from income, massive amnesty for tens of millions of illegal aliens in our country, and hundreds of billions of dollars for the Green New Deal.

This is the Bernie-AOC budget forcing us into electric vehicles. It will massively increase utility, gas, and fuel prices. It will massively increase inflation, as we continue to have too many dollars facing too few supplies, too few goods, too few services, as a result of their policies.

But they are tone-deaf economically. They want to bankrupt the future of our country with this massive, continued spending. It is bad for America, and everyone should vote ''no.''

Mr. YARMUTH. Madam Speaker, I yield 1 minute to the gentlewoman from New York (Ms. VELÁZQUEZ), the distinguished chair of the Small Business Committee.

Ms. VELÁZQUEZ. Madam Speaker, I rise in strong support of this legislation because working families deserve a government that will make their lives better.

First off, to build back better, we must invest in our Nation's entrepreneurs, and that is exactly what this bill does. It will make a $5 billion investment in SBA programs that go beyond recovery and provide transformative, long-term solutions and economic stimulus. It will create millions of new jobs on top of the millions already added under the Biden administration.

This legislation also includes the largest single, one-time investment ever made to HUD's public housing capital fund. It will go a long way to clearing the backlog of repairs around the country.

This bill also creates universal pre-K, extends the child tax credit, and finally mandates paid parental leave.

On climate, we are including a focus on environmental justice and frontline communities like those I represent.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. YARMUTH. Madam Speaker, I yield an additional 30 seconds to the gentlewoman from New York.

Mr. VELÁZQUEZ. Madam Speaker, here is what I can guarantee. Because of this bill, millions of working families will see their lives improved by a Federal Government that we are showing today has their back.

While this is not the end of the fight, it is what progress looks like. That is why I am proud to vote ''yes.''

Mr. SMITH of Missouri. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. OBERNOLTE).

Mr. OBERNOLTE. Madam Speaker, 2 weeks ago, I led over 200 Members of this House in sending a letter to the Speaker, urging that we do not vote on this bill until the CBO had issued a cost score for this bill. Yet, here we are, debating what is likely the largest spending package in the history of this country, paired with the largest tax increase in the history of this country. I say ''likely'' because we really don't know what the bill will cost. Apparently, we are supposed to pass the bill before we are allowed to know what it costs.

Madam Speaker, that is crazy. Here is why that matters. Our national debt right now stands at about $29 trillion. Although we don't have a CBO score on this bill, what we do have is an analysis by the Wharton School at the University of Pennsylvania which says that this bill would add $300 billion to that debt, at least, and that is if all the programs in this bill sunset on time, which we know is not going to happen. Further, the analysis says if they don't sunset, this bill could add $2.5 trillion to our national debt.

Madam Speaker, here is the real tragedy: We run about a $2 trillion deficit this year, and even in a good year it will be over a trillion dollars. The tax increases alone in this bill would almost get us to balancing the Federal budget, which would allow us to avoid leaving a legacy of debt to our children and our grandchildren.

Madam Speaker, this bill is bad for our country, and it is bad for our economy. I urge a ''no'' vote.

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Mr. YARMUTH. Madam Speaker, I yield 1 minute to the gentlewoman from New Mexico (Ms. LEGER FERNANDEZ), a distinguished member of the Education and Labor Committee.

Ms. LEGER FERNANDEZ. Madam Speaker, our communities should not have to choose between paying their medical bills or paying for groceries. Parents want to go to work knowing that their kids are being taken care of, that their kids are learning, because when kids are learning, parents are earning.

Families want to know that their kids and grandkids will inherit this beautiful place we call home, this planet, still beautiful. They want the Build Back Better Act because it delivers those opportunities.

So many Americans, especially our Latino and Native-American communities, suffer from diabetes. With Build Back Better, no one will have to pay more than $35 a month for insulin. This is lifesaving. Big Pharma shouldn't make excessive profits off the pain of Americans.

We are delivering for Americans, and it is fully paid for by taxing the rich and big corporations. I urge my colleagues to deliver Build Back Better ''for the people,'' para la gente, for our hardworking immigrants, for all of our communities.

Mr. SMITH of Missouri. Madam Speaker, I include in the RECORD a document from the Committee for a Responsible Federal Budget that shows the true cost of the bill is over $4 trillion.

[From the Committee for a Responsible Federal Budget, Nov. 5, 2021]

HOUSE BUILD BACK BETTER BILLS ARE BUILT ON SHAKY FOUNDATION

The House is slated to vote today on two parts of the President's Build Back Better agenda—the bipartisan infrastructure bill (https://www.crfb.org/blogs/infrastructure-plan-will-add-400-billion-deficit-cbo-finds) and a reconciliation bill addressing climate change, child care, health care. and other priorities.

The following is a statement from Maya MacGuineas, president of the Committee for a Responsible Federal Budget:

A fiscally responsible Build Back Better agenda should be fully paid for, gimmick-free, well-targeted based on the country's needs, and enacted in the context of a broader budget. While policymakers should be commended for their efforts to scale back costs and include real offsets, these bills still fall far short of those goals.

While President Biden and Members of Congress pledged their agenda would not add to the debt, it is likely that both bills would increase the deficit based on official estimates. The bipartisan infrastructure bill—negotiated by Democrats and Republicans—will add roughly $400 billion (https://www.crfb.org/blogs/infrastructure-plan-will-add-400-billion-deficit-cbo-finds) to the debt over the next decade. While we still don't know the true fiscal impact of the reconciliation legislation, it is likely that it will add modestly to the deficit as well. No one should vote for this bill prior to seeing a CBO score.

The bills are also riddled with gimmicks. The bipartisan infrastructure bill claims it is fully paid for by taking credit for saving (https://www.crfb.org/blogs/whats-bipartisan-infrastructure-investment-and-jobs-act) that had nothing to do with the bill itself. The reconciliation bill keeps its official cost down through arbitrary expirations—the Child Tax Credit and Earned Income Tax Credit expansions after one year, Affordable Care Act expansions after 3 and 4 years, and child care and pre-K after six years. If these and other sunset policies are extended without offsets, it would cost an additional $2 to $2.5 trillion through the end of the decade.

And then there's the last-minute addition of a SALT cap increase, which will deliver a huge tax cut to very high earners (https://www.crfb.org/blogs/72500-salt-cap-costly-and-regressive) at a cost of nearly $300 billion over the first five years. The proposed SALT cap increase would cost more than the bill's Child Tax Credit, health coverage expansions, housing initiatives, or education funding, and roughly 98 percent of the benefit would go to those making six figures. This is egregious in light of the objectives of the bill. This tax cut would be offset on paper with a sleight of hand where policymakers extend the SALT cap beyond 2026 but leave other accompanying parts of the TCJA for future lawmakers to extend.

All of this is being considered in the context of near-record levels of debt, trust funds years away from insolvency, and an unsustainable fiscal situation that few in either party are even trying to address. Given the current budget outlook, we should ideally be pursuing long-term deficit reduction, rather than limiting deficit increases. And we should be doing it in the context of an actual detailed budget for the nation.

Washington's credibility is on the line, and we need to get this right. Rather than rush through irresponsible legislation before it has even been scored, the House should fix the flaws in the current bills to ensure the Build Back Better agenda—both reconciliation and infrastructure—is honestly accounted for and truly paid for.

Mr. SMITH of Missouri. Madam Speaker, I reserve the balance of my time.

Mr. YARMUTH. Madam Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY), a distinguished member of the Budget Committee.

Ms. SCHAKOWSKY. Madam Speaker, I stand today and rise in the strongest support for the Build Back Better Act, the most transformational investment in everyday Americans in generations.

I rise in support of the largest effort to combat climate change in American history.

I rise in support of the largest expansion of affordable health coverage for Americans as well as the highest investment in housing.

I rise in support of women, who will be able to go back to work because they will have childcare, and their children will be able to have universal preschool.

I rise in support of the American people and seniors, who have been waiting for too long for more home care, and the workers will be able to see an increase in wages for caregiving.

I am so proud to stand today for the American people, the middle class, who have been waiting so long for finally getting to see the Build Back Better Act.

Mr. SMITH of Missouri. Madam Speaker, I appreciate the gentlewoman from Illinois, and I remind her that government spending is already helping fuel an inflation fire that is on pace to raise prices at the fastest rate in 40 years. In her home State of Illinois, food prices currently are up 8 percent, clothing is up 9 percent, and gasoline prices are up 62 percent.

Madam Speaker, I reserve the balance of my time.

Mr. YARMUTH. Madam Speaker, I yield 1 minute to the gentlewoman from Virginia (Ms. WEXTON), a distinguished member of the Budget Committee.

Ms. WEXTON. Madam Speaker, I rise today in strong support of the Build Back Better Act to deliver on the promises we have made to the American people.

This bill is about families and fairness. Even before the pandemic, parents in Virginia and across the country have been weighed down by the cost of raising their kids, caring for their elderly parents, and providing for their families. The Build Back Better Act will lighten that burden.

The investments we are making with this bill, universal pre-K, affordable childcare, and lower prices for healthcare and prescription drugs, will bring everyday costs for families down and set all of our children up for a bright future.

It will take long-overdue action to tackle the climate crisis by making the historic investments that we need to create a clean energy future for our kids, while creating millions of good-paying American manufacturing jobs in the process.

We have the opportunity to enact once-in-a-generation change that will improve the lives of our families and keep our economy on a path to a strong and full recovery.

Madam Speaker, I urge my colleagues to support a swift passage of the Build Back Better Act.

Mr. SMITH of Missouri. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I will point out that since Joe Biden became President on January 20, the policies that he enacted by executive order in his first week in office have created an incredibly awful border crisis.

Unfortunately, 1.4 million people have illegally crossed the southern border since Joe Biden has taken office. And what does this legislation do?

This legislation will only make it worse by providing over $100 billion in this legislation for backdoor amnesty.

This bill also provides roughly $45,000 of benefits to illegals over U.S. citizens. That is unacceptable. The American people are opposed to that, and they are not liking it.

Madam Speaker, I reserve the balance of my time.

Mr. YARMUTH. Madam Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), a distinguished member of the Appropriations Committee.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I proudly rise to support the largest investment in America's working families, a human safety net, and the protection of the planet since FDR's New Deal.

To families facing high healthcare or childcare costs or struggling to find affordable pre-K programs, the Build Back Better Act has your back.

We deliver real help and support, including paid family leave and a child tax credit extension that cuts child poverty in half and puts money in parents' pockets each month.

It expands healthcare coverage for millions and helps seniors pay for home care, hearing aids, and prescriptions by finally allowing Medicare to negotiate lower drug prices.

Build Back Better also seriously tackles climate change by moving us toward our 2030 emissions reduction goals and does it by producing high-paying, green, union jobs.

For veterans, it invests $5 billion to upgrade aging VA hospitals and ensures we better serve those who so bravely served.

Build Back Better is fully paid for and returns fairness to the Tax Code by making sure corporations and America's wealthiest pay their fair share.

Paired with the bipartisan infrastructure bill, both bills will make life a lot better for all Americans, especially families in Florida. Let's build back better now.

Mr. SMITH of Missouri. Madam Speaker, I yield 1½ minutes to the gentlewoman from New York (Ms. MALLIOTAKIS).

Ms. MALLIOTAKIS. Madam Speaker, I never thought in the United States Congress—the home of the free, of the brave, of those taxpayers who work hard every day and entrust us to spend their money wisely—that we would see a spending bill of this magnitude that would saddle our future children with debt.

The intrusion in this bill, the government control, the debt, the taxes, the mandates and the disincentivizing of work and production will continue to lead to more labor shortages, more supply chain issues, and make things worse.

And what is even worse than all of that is the name of the bill, that the people in this Congress are trying to fool the American people by calling it a Build Back Better bill. It is a disaster.

When we talk about putting Americans first, what does this bill do at a time when we have the worst crisis at the border? There is $100 billion going to amnesty and benefits for those who are entering the country illegally, and this at a time when we are seeing a rise in fentanyl deaths due to what's crossing over our border, child trafficking, sex trafficking.

And then look at Big Brother, the government intrusion part of this bill: doubling the number of IRS agents to go after Americans to spy on their bank accounts.

This bill has crushing energy implications at a time when we are seeing record increases on gas prices, on electricity, on heat, and we are about to face the most expensive holiday season as a result.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. SMITH of Missouri. Madam Speaker, I yield an additional 30 seconds to the gentlewoman from New York.

Ms. MALLIOTAKIS. Madam Speaker, in addition to that, there are the taxes and the mandates.

Where are my moderate friends on the other side of the aisle who committed to vote against this bill unless there was a CBO score?

They have been untruthful, and the American people will not forget what is occurring here today.

Do not destroy the very country that my parents came to in order to pursue the American Dream.

Mr. YARMUTH. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN), a distinguished member of the Financial Services Committee.

Mr. GREEN of Texas. Madam Speaker, because I have a heart, I will vote for universal pre-K. I have been to the classrooms, and I have seen those babies' bright eyes, eager to learn. I have also understood while I was there that there were other children who wouldn't have that benefit. They were getting a late start while others were getting a head start. This universal pre-K will give the same start to all of these children.

I am voting for the future because I have a heart.

Mr. SMITH of Missouri. Mr. Speaker, I reserve the balance of my time.

Mr. YARMUTH. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE), a distinguished member of the Budget Committee.

Ms. LEE of California. Mr. Speaker, I rise in strong support of the Build Back Better bill. I thank Chairman YARMUTH and the Speaker, as well as the committee chairs who worked to craft this transformative legislation. It makes bold investments in our people, reduces inflation, and will deliver real improvements in their lives.

It will address the acute housing crisis in my community and throughout the country. It also includes wildfire prevention, drought relief, conservation efforts, and climate change research to curb the climate crisis.

It includes the child tax credit, paid family leave, child nutrition programs, expanding access to childcare for working and low-income families, and home care for elders. All of these investments and more will help reduce poverty and allow women to get back into the paid workforce.

It will also help build rewarding careers, create jobs through workforce development funding for underserved populations, including returning citizens.

Passing this bill is a moral imperative, especially for children, women, seniors, and people of color that have been disproportionately impacted by this pandemic and continue to be sidelined due to systemic racial and economic inequality. I urge a ''yes'' vote.

Mr. SMITH of Missouri. Mr. Speaker, I reserve the balance of my time.

Mr. YARMUTH. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Mrs. BEATTY), a distinguished member of the Financial Services Committee.

Mrs. BEATTY. Mr. Speaker, I rise today in support of this transformative and once-in-a-generation opportunity to deliver for the American public in a way that we have never seen before.

And to my colleagues, it is paid for.

The Build Back Better Act will create more than two million jobs each year over the course of the next decade. It will also ensure universal pre-K and extend the child tax credit to help lift thousands of children out of poverty.

Democrats and Republicans, America, listen to me, we need to make sure that everyone supports this. And for people who do not support Build Back Better, there should be consequences because this is the largest investment to combat the climate crisis in history.

It includes historical investments in HBCUs, it includes $150 billion in our Nation's housing infrastructure.

This bill is a win for all. Do not be fooled. We have worked hard, and this bill is for Democrats and it is for Republicans. People who do not vote for this do not believe in America.

Mr. SMITH of Missouri. Mr. Speaker, I hear all the time in this Chamber people say it is for the children or it is for the kids. What hogwash from the other side to say that this bill helps the children with the child tax credit.

Your child tax credit is for 1 year, but your tax break for millionaires is for 10?

You are spending $250 billion in tax breaks for millionaires and $130 billion for 1 year for families.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. AGUILAR). The gentleman is reminded to direct his remarks to the Chair.

Mr. YARMUTH. Mr. Speaker, may I inquire as to how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from Kentucky has 3½ minutes remaining. The gentleman from Missouri has 30 seconds remaining.

□ 1130

Mr. YARMUTH. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. RYAN), a distinguished member of the Appropriations Committee.

Mr. RYAN. Mr. Speaker, this is a wonderful place. I have to tell you, our child tax credit is 1 year more than your child tax credit. We did one this year; we are going to do one next year; and we are going to keep going.

I love this place. Guys get wrapped around like a pretzel in this place.

Let me be clear, I am against any tax cut for the wealthy. This is an investment in working-class people whether they are White or Black or Brown.

But when I listen to the other side, I hear somebody who if this was a football game I would go back and say, I want a review, I want a review of the play, and I want to pull up the C–SPAN video of all the Republicans at the Rose Garden touting a big tax cut for the top 1 percent that blew a trillion-dollar hole in the economy.

This place is ridiculous.

Let's invest in the people. Let's not cut taxes for rich people.

And we have a new name for the GOP: the grand old phonies.

The SPEAKER pro tempore. Members on both sides are reminded to direct their remarks to the Chair.

Mr. SMITH of Missouri. Mr. Speaker, I yield myself the balance of my time.

Less than one-third of this budget bill is scored. Less than one-third. But what we do know is that it will not be fully paid for, and over the next 5 years it will add roughly $800 billion to debt. We do know that.

This bill only bankrupts the economy. It benefits your wealthy political friends, allies, and donors, and it only builds the Washington machine.

If working-class Americans are considered millionaires, then this bill is helping them because it is all about the millionaires.

Mr. Speaker, I yield back the balance of my time.

Mr. YARMUTH. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have gone back and forth on this bill for months now, and my Republican friends have said, oh, they haven't had a chance to read the bill. The Budget Committee reported out the consolidated bill on September 25. There have been 180 hours of debate on this bill before today; so if they can't read the bill in 2 months, they have another problem.

But at the end of the day, it is clear this has not been a fair debate. On one side you have House Republicans. On the other you have myself and my Democratic colleagues, 17 Nobel-winning economists, former Treasury Secretaries, Jack Lew and Larry Summers, scores of other economists and experts, and most importantly, the overwhelming majority of the American people.

This hasn't been an honest debate either. Democrats have a plan to serve the American people. Republicans have an agenda to stop Democrats, period. And my friend from Ohio just had another description of GOP. I don't think it should be GOP at all; I think it should be NOP, the not our problem party. If it is healthcare, it is not our problem. Dealing with climate change, it is not our problem. Dealing with education, not our problem. Dealing with seniors, not our problem. Dealing with childcare, not our problem. Affording college, not our problem. Dealing with medical costs, not our problem.

Democrats see important challenges facing the American people, and we are finally dealing with them. It is time to close the curtain on the Republican charade and do our jobs.

I urge my colleagues to vote ''yes'' and send to the Senate the most transformative legislation for America and American families in a century.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. NEAL) and the gentleman from Texas (Mr. BRADY) each will control 30 minutes.

The gentleman from Massachusetts is recognized.

Mr. NEAL. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I stand today in strong support of the Build Back Better Act and its implications.

I am proud of the substantive contributions that the Ways and Means Committee, once again, has made to this monumental initiative. With these provisions we will make transformational investments in families, workers, and the fight against climate change.

Getting to this point certainly has not been fast, nor has it been easy. Some might say it has been quite challenging. But that is what democracy looks like, and it frequently is noisy. We have examined these issues; we have had thoughtful, spirited debate in the committee; and we have refined our proposals.

Since 2019, the Ways and Means Committee has held over 40 hearings related to topics addressed by these provisions, and we have heard out the stakeholders from virtually every perspective. Over the course of 40 hours of committee markup, we thoroughly debated this package and considered 60 amendments from the Republican members. And in the 3 months since we passed our historic package out of the committee, we have refined our policies further and made hard compromises in the interest of accomplishing fine things for the American people.

That is how legislation is developed, and it is not based on whim.

There is not enough time to detail every policy in this legislation, but let me highlight just a few that are going to be particularly well received by the American people, and I am proud of these proposals.

First and foremost, we fought hard to include a universal paid family and medical leave provision to finally put an end to workers' impossible choice between providing for their family and caring for them.

We also invest in making healthcare more affordable by extending the enhanced Affordable Care Act premium subsidies that we approved in the American Rescue Plan earlier this year.

We close the Medicaid coverage gap, which will allow four million uninsured Americans to gain access to coverage.

Let me say something, as well, Mr. Speaker. Everybody in Massachusetts has health insurance. Every child is covered, and 98 percent of adults are covered in the State, and it polls really well.

I am proud of these investments we make here in supporting this development and deployment of green energy, and I want to acknowledge two Members in particular, Mr. THOMPSON and Mr. BLUMENAUER, for the role that they played. Our green tax policies put us on the path to a sustainable future, they help cut carbon emissions, and create good, well-paying jobs across the country.

This an ambitious package, but it makes major investments—emphasis on the word ''investments''—in our economy, workers, and families, but it also responsibly meets the time in which we live. The Ways and Means Committee, of which I am enormously proud, we fully commit the funds that are necessary to pay for these priorities by asking the most powerful amongst us to pay just a modest amount more. The various wealthy individuals will be asked to contribute, again, just a bit more to our Nation that has provided them with the opportunities to have such substantial success.

I urge our colleagues to support this legislation. We will allow for a stronger and better Nation to build back better and stronger, and I reserve the balance of my time.

Mr. BRADY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we meet today to consider the largest spending bill in American history; a bill that no one has read, no one knows its cost, it was written in secret, and rushed to the floor to hide it from the American people.

We meet in the shadow of an awful economic report that shows America's economy effectively stopped growing last quarter. President Biden is over 700,000 jobs short of his promises from the last stimulus, has ignored the damaging labor shortage and the fastest rising inflation in 40 years.

This is all proof that President Biden is bungling the recovery, and leaves many Americans questioning his competence.

Given all that, you would think the President and Congressional Democrats would avoid sabotaging America's economy further. But that is exactly what this $4 trillion socialist tax and spending binge does.

Build Back Better's crippling tax hikes will kill American jobs, drive many of them overseas, hammer small businesses as they struggle to recover, worsen the labor shortage, and drive inflation even higher.

And, yes, President Biden is absolutely breaking his pledge to not raise taxes on America's lower- and middle-income earners. Two out of three millionaires will get a tax cut while the middle class gets a tax hike.

Both the liberal Tax Policy Center and Congress' own scorekeeper, the Joint Committee on Taxation, confirm this. This bill imposes over $400 billion in taxes on America's small businesses, which couldn't come at a worse time.

There are $800 billion in tax increases on American businesses who compete both here and around the world.

This is an economic surrender to China, Russia, Japan, and Europe; driving American jobs, investment, and manufacturing overseas.

The new corporate minimum tax is really a Made in America tax.

It hits American manufacturing, energy, and technology businesses the hardest along with American consumers. The international tax increases make it better to be a foreign company or consumer than an American one.

Is it any wonder our foreign competitors are happy to embrace a small global minimum tax; they are getting American jobs and a big bite of our tax base.

There is a troubling new tax that hurts retirement plans, harming workers and seniors the most by punishing businesses that invest in their own stock.

All this while the Federal Government enjoys record-high levels of tax revenue from corporations, small businesses, and high-income earners due to the Republican tax cuts in 2017.

This $4 trillion socialist tax and spending binge will drive prices up even higher on families and make the damaging labor shortage even worse.

As businesses from Main Street to manufacturing struggle to find workers, Democrats' changes to the child tax credit no longer require Americans to earn or to work to qualify for monthly checks.

Experts predict this, along with lavish COVID-era Affordable Care Act subsidies, could drive up to 2 million more Americans to exit the workforce.

Under their paid leave plan, taxpayers will pay billions of dollars to put Washington in charge of your time off while workers struggle with one-size-fits-all mandates that limit choice for families and crush small businesses.

This is crazy, too: Democrats are insisting on giving a huge tax windfall to the wealthy 1 percent of Americans by lifting the reasonable SALT cap. The cost of this tax give-away? A whopping $222 billion.

The penthouse gets an obscene tax break, but the building janitor gets nothing. The middle class gets nothing. The 90 percent of taxpayers who don't itemize their taxes get nothing but higher taxes themselves.

Where are their priorities? The SALT windfall for the wealthy is 50 times larger than the help a parent gets from the child tax credit.

And it gets worse. Democrats are spitting away $550 billion in green pork subsidies for the wealthy and the world's biggest corporations.

Democrats are forcing taxpayers to send $12,500 to a wealthy family buying a luxury electric vehicle worth 80 grand. They quietly snuck in tax breaks for wealthy trial lawyers, recording artists, electric bikes, and subsidies for the media. Of course, labor unions get a huge haul, including forcing the 90 percent of Americans who don't join a union to subsidize a few who do.

While special interests cash in, families don't. Did you know this includes a new toddler tax that will force middle-class families to pay $13,000 more a year for their childcare?

And there are budget gimmicks galore.

''It costs zero'' will go down in history as one of the biggest whoppers a President has ever told.

The true deficit is trillions of dollars over the decade.

And one of the budget gimmicks lands on American seniors who won't have affordable generic drugs in the future to choose from.

Another budget gimmick is supercharging the IRS with 80,000 new agents. While Democrats will say they have walked away from their bank surveillance plan, the White House is ''hopeful'' Senators will sneak it back in.

If you are worried about rising prices shrinking your paychecks more and more every month, these trillions in new government spending will only make it worse.

Inflation is killing families, forcing them to effectively pay a second utility bill, a second cell phone bill, or a second cable bill a month. Inflation is a tax, and Democrats are raising it in this bill.

So crippling taxes, driving jobs overseas, making the worker shortage worse, and driving prices higher; this is a terrible bill.

Mr. Speaker, I reserve the balance of my time.

□ 1145

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. THOMPSON), who had a profound impact on the renewable energy tax credits.

Mr. THOMPSON of California. Mr. Speaker, this is historic legislation, one of the most impactful investments in American workers, families, and communities during my time in Congress.

This bill includes the most sweeping and ambitious climate policy ever passed by Congress—the GREEN Act, legislation I was proud to lead with my Democratic colleagues on the Committee on Ways and Means. It provides 4 weeks of paid family leave and funds universal pre-K. It extends the child tax credit, a tax cut for working families that has dramatically reduced child poverty since it was signed into law.

This bill makes healthcare premiums more affordable, provides tax incentives to improve disaster resiliency, and funds the VA so our veterans get the services they earned. And this bill is paid for.

The investments in this bill are too many to list; but it is just that, an investment. This bill will pay dividends for generations, and I urge everyone to pass the Build Back Better Act.

Mr. BRADY. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. KELLY), one of our tax leaders.

Mr. KELLY of Pennsylvania. Mr. Speaker, I thank the gentleman from Texas.

Mr. Speaker, I think a lot of us go out and actually do our own shopping.

And I know now when I go out to shop, I not only look at the front of the box, I look to the back to see what is in it.

So we have here the Biden build back better sauce. Here it is. It is flavored with SALT tax, by the way, so don't worry about your sodium content. And trust them. ''It is in there.''

What is in there; 150 new government programs. How about this? This is a great bargain for the hardworking American taxpayer. Now, they're saying it is only going to cost you $1.7 trillion, and only in Washington would they say ''only''.

The cost per American, $53,000 apiece; $550 billion for the Green New Deal; $412 billion in small business taxes; $80 billion for those wonderful guys from the IRS that are coming to tear you apart; $7.8 billion on environmental justice; massive electric vehicle subsidies for the very wealthy; government paid leave for high-priced CEOs; subsidies for wealthy families; a SALT tax break for millionaires; and the Tree Equity Program.

Who in the world would not buy this package? They will if they turn around and look at the back and understand that it is on sale right now in this House for $4 trillion. Hurry up, American taxpayers, before we run out of money.

Mr. NEAL. Mr. Speaker, I yield 2 minutes to the gentlewoman from Massachusetts (Ms. CLARK), a fellow Bay Stater, good friend, terrific leader.

Ms. CLARK of Massachusetts. Mr. Speaker, I thank Chairman NEAL for his incredible work in putting together this bill and all his leadership and friendship. And today, we have the build back better agenda before us that was built on conversations that President Biden had with the American people so we can meet this time of historic challenge for them with historic progress.

The Build Back Better Act lowers costs and taxes for working families, creates jobs, and puts us on a path towards sustainability. We will provide 26 million children with access to affordable, quality childcare and universal pre-K. This will let families, and especially women in this country, get back to work and give all of our kids a great start.

We will build one million units of affordable housing, cut prescription drug costs and cap insulin costs, expand healthcare coverage, extend the historic child tax cut, and invest directly in climate resiliency and clean energy.

We declare with this bill that care is economic infrastructure and send a message to families and providers both that help is on the way. And all of this is done with a through line of equity. This is what is possible when we put families front and center here in Washington.

Mr. Speaker, so today, we build back better.

Mr. BRADY. Madam Speaker, I yield 1 minute to the gentlewoman from Indiana (Mrs. WALORSKI).

Mrs. WALORSKI. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as our Nation faces crisis on every front, Democrats are focused on grabbing more control over Americans' lives. Their Big Government agenda empowers bureaucrats to take away our constitutional liberties.

You don't get the vaccine, you get fired.

You try to manufacture something in America, you get taxed.

You want to know what is being taught in your child's school, you are labeled a domestic terrorist.

This is America today, folks. Parents around the country are sounding alarms about what is being taught in public schools. If you think parents are engaged now, wait till you see what happens when they find out their only option for the daycare is a government-appointed provider. Faith-based daycares disappear with this bill.

This really is breaking news for anybody watching. Your faith-based daycare is eliminated with this bill. Parents, listen up. This isn't a Republican or Democrat or Independent thing, this is an American thing. This is dangerous. It is happening, and a ''yes'' vote brings this in. Please vote ''no''.

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentlewoman from Washington (Ms. DELBENE), a terrific member of the Committee on Ways and Means.

Ms. DELBENE. Mr. Speaker, I rise today in support of the Build Back Better Act. This transformational legislation will help grow our economy, get families back to work, and set our next generation up for long-term success.

The bill includes a 1-year extension of the child tax credit, a historic middle-class tax cut for families. It has already lifted 3.5 million children out of poverty. The bill also will help build or preserve over 800,000 affordable housing units over the next decade through an expansion of the low-income housing tax credit, ensuring millions more Americans will have a safe place to call home.

There is so much more in this legislation that will deliver direct support to our families, like making childcare and healthcare more affordable and accessible and making historic investments in fighting the climate crisis.

Mr. Speaker, I urge my colleagues to vote to build back better and support this legislation.

Mr. BRADY. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. LAHOOD), a member of the Committee on Ways and Means.

Mr. LAHOOD. Mr. Speaker, I rise today in strong opposition to the so-called Build Back Better agenda. President Biden campaigned as a moderate problem-solver, but has governed as a radical progressive.

Under nearly a year of Democrat control in Washington, we have witnessed devastating consequences, stifling inflation, massive labor shortages, a supply chain crisis, and devastation at our southern border.

Instead of stepping back and working with Republicans to address the real-life issues American families are facing, President Biden and the Democrats are pressing ahead with the most radical legislative agenda in my lifetime.

Here is what the bill does: raises taxes on Illinois farmers, middle-income workers, and small businesses, while subsidizing the wealthiest individuals on the coasts; encourages the IRS to snoop on average Illinoisan's bank accounts; and pushes us to the brink of becoming a welfare state.

Moreover, this bill is not paid for, as the Democrats claim, and will only bankrupt our children and grandchildren. This so-called Build Back Better agenda is a bad deal for Illinois and American families, and I urge my colleagues to vote ''no''.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. LARSON), neighbor, friend, and an effective member of the Committee on Ways and Means.

Mr. LARSON of Connecticut. Mr. Speaker, I thank Chairman NEAL for his outstanding leadership.

Wow. Can you feel the love in this room today? Can't you? I will tell you, I got to hand it to you, the ''vote no and take the dough'' crowd is pretty good. Everybody votes against the bill but then gets a newsletter out and takes credit for all the good work that is in the bill. No one voted for the American Rescue Plan, and yet, you took credit for that and sent letters out to people about their checks. But that is to be understood.

Mr. Speaker, what this bill does is to make sure that working families, on average, will get $430 back in their pockets each month; save more than $14,000 a year in childcare; and universal pre-K will save families about $8,600 a year as well. Seniors will now have lower prescription drug prices, an estimated savings of $900 a year; and families in Connecticut will no longer be double-taxed on State and local taxes.

Mr. Speaker, I thank ROSA DELAURO and RICH NEAL for their hard work.

Mr. BRADY. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. HERN), a member of the Committee on Ways and Means.

Mr. HERN. Mr. Speaker, today we are a simple majority vote away from the largest expansion of the Federal Government in the history of this great Nation, ushering a new era of dependence on socialized government.

We sit at a crossroads between two different directions:

Free will or government control.

Honest, hard work or cradle-to-grave welfare.

Generational debt or deficit reduction.

Tax increases or tax reduction.

Socialism or economic freedom.

American energy independence or pro-China Green New Deal.

Mass amnesty or secure border.

Keep jobs at home or send them overseas to China.

Economic growth or economic surrender.

The American people or D.C. politicians.

History will remember which road we decide to go down. I strongly encourage you to choose wisely and vote ''no''—vote ''no''—on the build back broke bill.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DANNY K. DAVIS), who had a substantive impact on the writing of this legislation.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I rise to express my strong support for the Build Back Better Act and commend all of those who played a role in making it happen, especially Speaker PELOSI and chairman of the Ways and Means Committee, RICHARD NEAL, and all of the members and staff on that committee.

Build Back Better seriously reduces longstanding poverty among children. Which children? All children; poor children, Black children, Brown children, White children, children of disadvantaged families. It reduces poverty for 4 million children.

Build Back Better will provide preschool programs for children of working families across America. It even provides help for individuals who have prison records so that they can get jobs and go to work.

It is good for America. It is good for every community in America.

Mr. Speaker, I strongly support it, and I urge its passing.

Mr. BRADY. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. MEUSER).

Mr. MEUSER. Mr. Speaker, I thank my friend, the esteemed gentleman from Texas very much.

Mr. Speaker, this break business' backs bill is the latest iteration of an upside-down—in fact, inverted—economic agenda, ignoring today's problems and doubling down on what we see are failed policies.

What is in this partisan reconciliation bill says more about Democrat's Big Government agenda than people's actual needs, and it will exacerbate challenges currently facing working families and small businesses. It is an $80,000 tax break for wealthy individuals and $400 billion tax hike on small businesses, with a total of $800 billion in new taxes. That is a fact.

It subsidizes green energy but it has a new tax on natural gas, making heating your home more expensive. That is a fact.

It disincentivizes work with new unaccountable entitlements while business owners are desperate to fill nearly 10 million jobs. It will increase costs on domestic businesses and manufacturers and make products overseas more attractive. And it is big spending that everyone agrees is not paid for; will increase debt to somewhere in the neighborhood of—I don't know, what is the debt ceiling request going to be?—$34-, $35-, $36 trillion on something that was said was going to cost zero? Decrease GDP, reduces wage growth, and drives inflation higher. We need to make our country better not make government bigger.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. HIGGINS), author, scholar, and effective member of the Committee on Ways and Means.

Mr. HIGGINS of New York. Mr. Speaker, I thank the chairman for yielding, for his integrity, and his steady leadership throughout this process.

I am proud of the legislation that we are considering today, and the entire House should be as well. Over the past two decades we have spent $6 trillion in three Middle East wars.

Today, this Congress is cementing a commitment to finally nation-building at home, in America and for Americans; investments in American families to help them become healthier, happier, and more productive into and through adulthood.

Mr. Speaker, because of this bill, the future of my community in Western New York will be stronger and more resilient. We are building back better, stronger, and longer. This bill reflects our optimism as Americans to confront our challenges with strength.

Mr. Speaker, I strongly urge my colleagues to support this legislation.

□ 1200

Mr. BRADY. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. FERGUSON), the chief deputy whip and a member of the Ways and Means Committee.

Mr. FERGUSON. Mr. Speaker, what I really want to say about this bill would probably make me wind up on the prayer list of the church folks back home.

This bill is horrendous for America. Most Americans want a job; they want a decent, safe place to live; they want their kids educated; and they want to be left alone to lead their lives the way that they want to. This bill violates every one of those basic tenets.

It is going to destroy the economy and raise inflation. People will not be economically more secure.

It is encouraging additional illegal immigration at our southern border, and it is making our communities less safe.

It is going to destroy private daycare. This bill is going to allow the government to tell you where you have to have your kids educated.

Has the majority not learned anything from what happened in the elections a couple of weeks ago?

By the way, it is going to tell you how you have to live your life, what kind of car you can buy, what kind of business you can run, and how to operate your business. Americans are sick and tired of this kind of government overreach.

Mr. Speaker, 87,000 new IRS agents to spy on Americans' bank accounts, to come dig in the cushions of your couch, in order to pay for SALT? This thing stinks like 3-day-old roadkill on south Georgia asphalt. Vote ''no.''

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentlewoman from Wisconsin (Ms. MOORE), the passionate advocate for the people of Milwaukee.

Ms. MOORE of Wisconsin. Mr. Speaker, I am so proud to support the Build Back Better Act. It is time for us to pass this historic legislation that invests in our communities, our workers, our children, and our families, while asking the wealthiest among us, who have benefited from our growing economy, to pay their fair share.

These investments will lower the costs of childcare, which has kept women out of the labor force. It invests in our future workforce through our children. It helps us tackle the climate crisis, bolsters resilience, and creates economic and job opportunities and good-paying jobs for millions. I could go on and on and on.

Mr. Speaker, I want to end by talking about the millions of people who depend upon insulin, something that has been a bipartisan issue. It is going to lower those costs to just $35 a month. That is reason enough to pass the Build Back Better Act.

Mr. BRADY. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. SMUCKER), a member of the Ways and Means Committee.

Mr. SMUCKER. Mr. Speaker, I hope the American people are watching closely today because there is a fundamental question being debated, and that is: What should the role of the Federal Government be in each of our daily lives, and what economic system best provides for the opportunity and well-being of the American people? That is the question today.

Democrats believe—they said this in our hearings—that the Federal Government should provide everything to ensure all needs are met for middle-income Americans.

We believe in earned success. We believe in rewarding hard work. That system, the free market system, has provided more opportunity than ever before in the history of mankind.

Mr. Speaker, freedoms aren't taken all at once. They are taken bit by bit by bit. This is a move toward an entirely different economic system. It is a move toward socialism.

We know that doesn't work. Look at every country in history that has overdelivered and overspent. It has not ended well.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. BEYER), whose economic advice abounds through this institution.

Mr. BEYER. Mr. Speaker, I thank the chairman for his extraordinary

leadership on the Ways and Means Committee in putting this together, and I urge all of my colleagues to support the Build Back Better Act.

Mr. Speaker, this bill finally makes it clear that our government's most important responsibility is to give every American the possibility for life, liberty, and the pursuit of happiness.

The Build Back Better Act makes the boldest actions to fight the existential crisis of climate change.

It contains some of the most important benefits for American families ever contemplated by Congress: lowering drug prices, paid family leave, affordable childcare and healthcare, universal pre-kindergarten, and an extended child tax credit.

Mr. Speaker, this bill would boost our economy in the best and strongest way by investing in our workforce and increasing labor force participation.

It will create long-term structural benefits for our economy that strengthen our supply chains, reduce the effects that drive up energy prices, and restrain inflation.

Along with the recently enacted infrastructure bill, it will create millions of jobs.

Mr. Speaker, a vote for the Build Back Better Act is a vote for sustained, long-term economic growth that will benefit generations of Americans.

I urge my colleagues to vote ''yes.''

Mr. BRADY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. ROY).

Mr. ROY. Mr. Speaker, I can't help but wonder what my so-called moderate colleagues on the other side of the aisle are waiting for, with bated breath, from a CBO score.

You don't need a CBO score to know that $100 billion worth of amnesty, when our border is wide open, will cripple the State of Texas, cripple our country, and cause thousands of pounds of fentanyl to pour into our country.

You don't need a CBO score to know that a 900 percent increase in OSHA fines to go after small businesses and shut them down with tyrannical vaccine mandates is going to cripple jobs and small businesses across the country.

You don't need a CBO score to know that $500 billion of unicorn climate agenda energy policies are going to drive up heating costs, drive up the cost of gasoline, and cripple our economy. You don't need a CBO score to oppose that.

You don't need a CBO score to know that $300 billion of tax giveaways to basically blue State Yankees is going to somehow fix our country.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. EVANS), a highly effective member of the Ways and Means Committee and a terrific gentleman from Philadelphia.

Mr. EVANS. Mr. Speaker, Philadelphians have been asking for help even before the pandemic, help with things like childcare, the cost of prescription drugs, housing, and jobs.

Philadelphia, I have heard you. I am proud to vote for the Build Back Better Act and the infrastructure bill this week.

Most of all, today, we make history. We make history because we are doing something for the American public. And it is important to remember, Build Back Better sends a message to every single American that we are on their side.

Mr. BRADY. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. SMITH), the ranking member of the Select Revenue Subcommittee.

Mr. SMITH of Nebraska. Mr. Speaker, I rise in opposition. It seems the majority has seen everything that the American people are angry about and are doubling down instead of addressing the very problems that need to be addressed.

Americans are angry about the proposed million-dollar payments to folks who want to come to our country illegally. This bill makes that worse.

Americans are angry they can't get the IRS to answer the telephone. This bill spends $45 billion to further weaponize the IRS.

Americans are angry that store shelves are empty and prices are rising because of worker shortages. This bill makes it worse.

Americans can't get necessities like cars. In my district, newly manufactured farm equipment sits unfinished and undelivered because of chip shortages. This bill makes it worse.

Our economy is hurting. We need to get the American people back to work. This bill is only going to make life harder and more expensive for the very people who some are claiming to try to help.

Mr. Speaker, I urge a ''no'' vote.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE), the chairman of the Energy and Commerce Committee and one of the only two Members left from the class of 1988 in Congress.

Mr. PALLONE. Mr. Speaker, I rise in strong support of the Build Back Better Act.

This legislation builds on our efforts to make healthcare more affordable and accessible for all Americans, including millions unfairly caught in the Medicaid coverage gap.

It also makes prescription drugs more affordable by finally giving Medicare the ability to negotiate lower drug prices with the pharmaceutical companies. Seniors will also pay no more than $2,000 a year in out-of-pocket costs for their drugs, and the legislation penalizes Big Pharma companies that unfairly raise prices.

The Build Back Better Act also aggressively tackles the worsening climate crisis. The new greenhouse gas reduction fund will accelerate innovation in low- and zero-emission technologies. Rebates for homeowners to electrify and make their houses more efficient will save them money and reduce emissions. The new methane emissions reduction program will drive down pollution from the oil and gas industry.

Mr. Speaker, we simply cannot wait any longer to combat the climate crisis. Bold action is needed now.

The Build Back Better Act invests in the American people and our future and deserves strong support today.

Mr. BRADY. Mr. Speaker, I yield 1 minute to the gentlewoman from West Virginia (Mrs. MILLER), a member of the Ways and Means Committee.

Mrs. MILLER of West Virginia. Mr. Speaker, since President Biden has taken office, he has tried to increase taxes on everyone. His Build Back Better Act—or as I like to call it, build back broke—is the latest example of his radical tax and spend agenda.

This bill includes $4.5 trillion in new spending, $1.5 trillion in new taxes, and will cause $3 trillion in new debt.

I introduced two amendments in this legislation, one that would ensure Americans still have access to life-saving cures and one that would ensure Members of Congress do not benefit from Democrats' SALT deduction. Democrats rejected both.

If passed, this reconciliation package will negatively affect all facets of our day-to-day lives. It will make energy more expensive, tax small family businesses, ship American jobs overseas, and make the inflation crisis worse.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO), the chairwoman of the Appropriations Committee, who is an advocate on behalf of the child tax credit.

Ms. DELAURO. Mr. Speaker, the Build Back Better Act strengthens our economy and changes the lives of millions of Americans.

It fights inflation because it is fully paid for by making big corporations and the wealthiest pay their fair share. No one making under $400,000 will pay a penny more in taxes.

It expands and improves the child tax credit, the biggest tax cut for working families with children, a transformative policy that the chairman and I have been fighting for, for nearly 20 years. It is a lifeline for the middle class and lifts over 50 percent of children out of poverty.

It guarantees that the cost of childcare will not exceed 7 percent of a family's income. It includes paid family and medical leave, which responds to the needs of all people so they can take time off to care for themselves or a loved one.

It delivers a historic and once-in-a-generation investment in combating climate change that cannot wait.

It lowers healthcare costs. It provides universal pre-K. I could go on and on.

We have an opportunity to build the architecture for the future for working families. Working and middle-class families across this country are counting on us to build a better and stronger America.

Mr. BRADY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, the U.S. Conference of Catholic Bishops said it was completely unacceptable that the Build Back Better Act expands taxpayer funding of abortion in many new and expanding programs.

The National Right to Life Committee has pointed out that even ObamaCare contained a provision that specifically permitted States to ban elective abortions in their exchanges. The BBB, starting in 2024, would explicitly override the laws of those States.

Mr. Speaker, Mr. Biden once said that those of us who are opposed to abortion should not be compelled to pay for them. This bill coerces us to pay for abortion on demand.

Mr. Speaker, unborn babies need the President of the United States and Members of Congress to be their friends and advocates, not powerful adversaries subsidizing their violent destruction.

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Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL), who is always quotable.

Mr. PASCRELL. Mr. Speaker, I congratulate the gentleman on his efforts in this legislation.

Mr. Speaker, last November the American people put Democrats in charge to raise this Nation from its knees, to improve the lives of working men and women, to confront powerful interests, and to rebuild for the next century. New Jersey taxpayers sent us to provide real relief from the odious SALT cap.

Don't pick out two or three districts in the country. Look at the whole situation, and then decide about this low-hanging fruit that you took to pay for your disaster in 2017.

This legislation is a blueprint for America to build back better.

And what was your answer?

We got back the next week to vote on the other bill, and you voted to adjourn. You want to go home. You don't want to vote on any of those things. You did it. Facts matter. Dispute it.

Only one party is making raising children affordable.

Only one party is creating a green future that aids unions and supports domestic manufacturing.

Only one party will close the tax gap and provide tax fairness for working Americans.

The American people elected Democrats to act with urgency for the present and the future, Mr. Speaker.

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Mr. BRADY. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. BOST).

Mr. BOST. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the Build Back Better plan is a big, bloated joke. The problem is it is not funny.

At a time when inflation is skyrocketing, House Democrats are doubling down on their socialist wish list.

Is your family struggling financially after endless COVID shutdowns?

Don't worry. The Democrats have a plan. They are going to be giving $80 billion to the IRS to double the number of agents who can track your spending habits.

Worried about whether you can afford to put gas in your car or heat your home this year?

Well, House Democrats have a plan for that too: huge tax hikes on natural gas, kneecapping American-made energy products to pour billions into the Green New Deal.

Are you concerned about the security on our borders and keeping communities safe?

House Democrats are providing amnesty for 8 million illegal immigrants.

And we still don't know what the cost of this bill is going to be. There is no report here yet.

Mr. Speaker, we should not be voting on this monstrosity, and I urge my colleagues to oppose it.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. SCHNEIDER). He is a very effective gentleman, and he is always Midwestern nice.

Mr. SCHNEIDER. Mr. Speaker, I rise in strong support of the Build Back Better Act that will make transformative investments in the lives of everyday Americans, all without adding to the deficit.

This bill is good for our country. It will unquestionably enhance the future for our children, but also improve the here and now for their parents and grandparents creating opportunities like universal pre-K.

It takes on national challenges by lowering the cost of prescription drugs and, critically important, giving working families a tax cut.

I have said from the start that I want a bill that will address four things: climate change, kids and education, healthcare, and economic growth. This legislation checks every box.

I am proud of the work of all the House committees, and particularly our Ways and Means Committee. I am also proud that several initiatives I have long championed are included in this bill, including sustainable aviation fuel to fight climate change, Health Profession Opportunity Grants and graduate medical education to make healthcare more accessible, onshore wind manufacturing tax credits to bolster domestic energy supply chains, and, significantly, tax cuts through the child tax credit and State and local tax deduction.

Mr. BRADY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. ARRINGTON), who is a key member on the Ways and Means Committee.

Mr. ARRINGTON. Mr. Speaker, I thank my colleague from the great State of Texas for yielding.

Mr. Speaker, I have said a lot about the disastrous effects of this gargantuan tax and spend bill on the heels of an economy that is sputtering on account of massive spending, which is driving inflation, and on the unemployment policies that have locked labor on the sidelines, and you have got vaccine mandates coming down the pike. This is the proposal from my Democrat colleagues and my friends.

What I can't understand, for the life of me, Mr. Speaker, is that in this bill, that is supposed to go after the inequity gap in our country, they have the largest spending program as a giveaway to millionaires from high-tax States like New York and California, $280 billion. There are special interest carve-outs. This looks like a Christmas tree of giveaways to political allies, unions, plaintiffs' attorneys, and media corporations.

That is all in this bill, Mr. Speaker. I plead with my colleagues: Relent.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. PANETTA), who is a very effective member of the Ways and Means Committee.

Mr. PANETTA. Mr. Speaker, I thank the chairman for his leadership and for his love of this institution.

Mr. Speaker, the Build Back Better Act is about future opportunity for our districts and for our democracy.

As an immigrant-fueled, frontier nation, we value individual mobility and reward hard work. That is the foundation of why we are the richest and most successful nation ever. However, we are at an inflection point in which the past failure to invest in our working families has led to the degradation of our common life. That is why now more than ever we must provide more for the people who have plied through the pandemic, who propel our economic prosperity and promote our national unity.

This legislation does that by focusing on children, education, healthcare, and affordable housing; by furthering our fight for clean energy and climate resiliency with e-buses, e-bikes, and microgrids; and by financing it in a way that protects our family farms and promotes our farm workers.

For those of you who vote against this legislation today, you will probably take credit for it tomorrow because this investment will benefit not just my constituents but yours, too, because this bill provides every working family, not just with the resources to succeed in our country but with the dignity they deserve by playing a part in our democracy.

Mr. BRADY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I have a whole host of organizations, coalitions, patient groups, health advocacy groups, institutions, associations, and small businesses who have vehemently opposed and raised alarming concerns about this bill.

Mr. Speaker, I include in the RECORD that list.

LIST OF OPPOSING ORGANIZATIONS

Academy of General Dentistry (AGD), AICC, The Independent Packaging Association, Altria; America's Business Benefit Association, Coalition of Texans with Disabilities, Coalition of Wisconsin Aging and Health Groups, Color of Crohn's and Chronic Illness, Communicating for America, Inc.; Consumer Action for a Strong Economy, Conservatives for Property Rights, Council for Affordable Health Coverage, debra of America, Global Colon Cancer Association, Healthcare Leadership Council, HIV + Hepatitis Policy Institute, International Cancer Advocacy Network, Illinois Biotechnology Innovation Organization, MLD Foundation, National Taxpayers Union, Noah's Hope—Hope4Bridget Foundation, Rare Access Action Project, Small Business & Entrepreneurship Council, SYNGAPl Foundation, The Ryan Foundation, Taylor's Tale, American Association of Oral and Maxillofacial Surgeons (AAOMS), American Bankers Association, American Builders and Contractors, American Chemistry Council, American Dental Association, American Gas Association.

American Mold Builders Association, American Pet Products Association, American Soybean Association, American Subcontractors Association, American Trucking Associations, National Association of Convenience Stores, National Association of Truckstop Operators, SIGMA: America's Leading Fuel Marketers, Truckload Carriers Association, Asian American Hotel Owners Association (AAHOA), Associated Builders and Contractors, Association of Community Cancer Centers (ACCC), Business Roundtable, Center for Individual Freedom, Center for Urban Renewal and Education (CURE), Chamber of Commerce, Comcast Corporation, Council for Affordable Health Coverage, National Association of Manufacturers, Small Business & Entrepreneurship Council, U.S. Chamber of Commerce, Council for Citizens Against Government Waste, Energy Marketers of America, EveryLife Foundation for Rare Diseases, Family Business Estate Tax Coalition, Foodservice Consultants Society International (FCSI) The Americas, FreedomWorks, Gas and Oil Assoication of West Virginia, Shale Coalition, Ohio Oil and Gas Association.

Global Cold Chain Alliance, Independent Community Bankers of America, Independent Electrical Contractors, Independent Petroleum Association, International Franchise Association (IFA), John Deere, Main Street Employers, Medicare Access for Patients Rx Coalition (MAPRx), Motion Picture Association, National Association of Federally-Insured Credit Unions (NAFCU), National Association of Home Builders (NAHB), National Association of Manufacturers, National Association of Realtors, National Association of the Remodeling Industry (NARI), National Electrical Manufacturers Representatives Association (NEMRA), National Federation of Independent Business (NFIB), National Independent Automobile Dealers Association (NIADA), National Infusion Center Association, National Marine Distributors Association, National Mining Association, National Organization for Rare Disorders, National Ready Mixed Concrete Association, National Restaurant Association, National Retail Federation, National Small Business Association, National Stone, Sand and Gravel Association; National Taxpayers Union, National Tooling and Machining Association.

NATSO, Representing America's Travel Plazas and Truck Stops, New Jersey Business Coalition, North American Die Casting Association, Ohio Business Roundtable, Ohio Farm Bureau, Outdoor Power Equipment and Engine Service Association, Precision Machined Products Association, Precision Metalforming Association, Promote America's Competitive Economy (PACE) Coalition, Promotional Products Association International (PPAI), Retail Industry Leaders Association, Rheumatology community, S Corporation Association, Secondary Materials and Recycled Textiles Association (SMART), SIGMA: America's Leading Fuel Marketers, Small Business Council of America (SBCA), Small Business Legislative Council (SBLC), Specialty Equipment Market Association, Susan B. Anthony List, Symetra, The Credit Union National Association (CUNA), The Integrated Canada-U.S. Automotive Industries, Tire Industry Association (TIA), United Veterinary Services Association, American Fuel and Petrochemical Manufacturers, American Petroleum Institute, Chemical Fabrics and Film Association, Communications Cable Connectivity Association, EPS Industry Alliance, Extruded Polystyrene Foam Association, Flexible Packaging Association.

Foodservice Packaging Institute, International Sleep Products Association, Manufacturers Association for Plastics, Processors Motor Equipment, Manufacturers Association, National Association for PET Container Resources, National Association of Chemical Distributors, National Association of Manufacturers, Plastic Pipe Institute, Plastics Industry Association, Plumbing Manufacturers International Polyurethane Foam Association, PRINTING United Alliance, Produce Marketing Association, Single Ply Roofing Industry, Uni-Bell PVC Pipe Association, Vinyl Institute American Hotel and Lodging Association, American Resort Development Association, American Seniors Housing Association, Asian American Hotel Owners Association, Associated Builders and Contractors, Building Owners and Managers Association (BOMA) International, CCIM Institute, Council for Rural and Affordable Housing, CRE Finance Council, ICSC, Institute of Real Estate Management, Leading Builders of America, Manufactured Housing Institute, Mortgage Bankers Association, NAIOP, The Commercial Real Estate Development Association, Nareit, National Apartment Association, National Multifamily Housing Council, REALTORS® Land Institute, Society of Industrial and Office REALTORS®, The Real Estate Roundtable, Wine Spirits, Wholesalers of America, National Beer Wholesalers Association.

Mr. BRADY. Mr. Speaker, I include in the RECORD a letter from the National Federation of Independent Business, the Nation's leading small business advocacy group underscoring how this proposed bill will impose a small business surtax on already struggling mom-and-pop shops across America.

NFIB,

Washington, DC, November 5, 2021.

DEAR REPRESENTATIVE: On behalf of NFIB, the nation's leading small business advocacy organization, I write in strong opposition of H.R. 5376, the Build Back Better Act. This legislation would increase taxes, impose new mandates, and increase penalties on small business owners, threatening to disrupt the fragile small business recovery. H.R. 5376 will be considered an NFIB Key Vote for the 117th Congress.

NFIB opposes efforts to raise taxes on small businesses. The Build Back Better Act broadens existing passive income taxes and applies them to active income, creating a true ''Small Business Surtax.'' Specifically, the legislation substantially expands the 3.8% net investment income tax (NIIT) on pass-through business income and applies it to all business income above $400,000 (individual filers) and $500,000 (joint filers). The threshold is even lower for family businesses held as trusts, with the surtax applying to income above $13,000. These thresholds are not indexed for inflation, so the ''Small Business Surtax'' will impact an increasing number of businesses and an increasing percentage of business income every year.

Three-quarters of small employers are organized as pass-through entities (S Corporations, LLCs, Sole Proprietorships, and Partnerships). The ''Small Business Surtax'' would negatively impact more than 750,000 pass-through businesses and over half of pass-through business income. When combined with the other surtaxes on certain pass-through businesses, these tax changes create a 48.8% federal effective tax rate on pass-through business income before even considering state and local taxes. NFIB's latest tax survey, small business owners shared that federal business income taxes were the most burdensome tax on both a financial and administrative basis. These taxes will divert resources away from job creation, compensation increases, and business investment and further complicate tax compliance. The permanent tax increases fund temporary spending programs, meaning additional tax hikes will be necessary if the programs are extended and offset.

NFIB is also concerned about the impact of a government-run paid family and medical leave program may have on small employers. The Build Back Better Act creates a four-week federal paid family and medical leave program for all workers without regard to employer size. This program would be a significant change to small employers (fewer than 50 employees) who are currently not subject to the Family and Medical Leave Act (FMLA). Congress wrote this exemption into law because they understood that an employer mandate like FMLA would be burdensome, and compliance would be difficult. In a recent NFIB member ballot, 90% of small businesses believe that small employers should be exempt from paid sick and family leave mandates. Requiring small business participation in a federal paid family and medical leave program would take away the flexibility many small businesses need to be able to manage their workforce at a time when half of small business owners are struggling to fill open positions.

NFIB opposes increased penalty amounts and increased penalty exposure on small businesses. The Build Back Better Act increases civil monetary penalties on small businesses with isolated errors when trying to comply with complicated federal employment law and increases penalty exposure for employers by expanding the Affordable Care Act's employer mandate. Fair Labor Standard Act (FLSA) violations currently operate under a strict liability standard, meaning employers who make an honest misinterpretation of the law or make an isolated mistake are not given leniency. The legislation also increases civil monetary penalties for violations under the Occupational, Safety, and Health Act (OSHA), as well as those under the National Labor Relations Act (NLRA). If penalties are substantially increased, a single error could ruin a small employer and permanently put them out of business. Further, the legislation lowers the definition of ''affordability'' for the ACA's employer mandate, which would drive up health insurance costs for employers. Small businesses do not have the operating revenue of larger businesses and cannot simply absorb these substantial fines and cost increases. They also do not have legal and human resources departments to negotiate lower fines with agency officials or lower premiums with health insurers.

Small businesses are struggling with labor shortages, rising inflation, supply chain disruptions, and increasing threats from

COVID–19 variants. Congress should not impose significant tax increases, inflexible mandates, and massive new civil monetary penalties on small businesses as they would compound these problems and damage the fragile small business recovery. NFIB opposes H.R. 5376 and will consider the legislation an NFIB Key Vote for the 117th Congress.

Sincerely,

KEVIN KUHLMAN,
Vice President,
Federal Government Relations.

Mr. BRADY. Mr. Speaker, I include in the RECORD a letter from American Farm Bureau who represents nearly 6 million families and American farmers asking us to reject passage of this bill due to inflation and how this hurts America's farmers.

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, November 16, 2021.

Hon. _____
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the Farm Bureau's nearly 6–million member families, I write to urge you to oppose the Build Back Better Act, a piece of legislation that raises taxes and spends more taxpayer money at a time our country can afford to do neither.

Inflation is driving up costs across the economy, and greatly increased federal spending is a contributing factor. Federal policy choices have raised energy prices, leading to higher costs for everything from food to used cars. And yet this legislation will further exasperate that pain through a methane tax on oil and gas.

The Consumer Price Index is at a 31-year high, and unlikely to reach historical norms any time soon, having risen 6.2% since this time last year. Inflation is a hefty tax on every American's paycheck.

While certain funding increases or newly created programs may, by themselves, be commendable, the totality of the increased federal spending in this bill coupled with the enormously burdensome tax increases leveled on businesses and individuals to pay for it will stifle economic growth and destroy jobs. Ultimately, the result could be the consolidation or sale of family farms and ranches.

The legislation also seeks to raise revenue by increasing fines and penalties as much as ten times their current amount for violations of the Occupational Safety and Health Act, Fair Labor Standards Act, and Migrant and Seasonal Agricultural Worker Protection Act. The missteps of farmers and ranchers when navigating complex, oftentimes onerous regulations and laws should not serve as a funding mechanism. While Farm Bureau does not condone bad actors when it comes to appropriately managing safety, the seasonal workforce, and employee pay on the farm, fines associated with OSHA, FLSA, or MSPA violations should not be determined based on their ability to serve as a pay-for in a partisan legislative process. If enacted, these provisions could put well-meaning farmers and ranchers out of business.

While some elements of the reconciliation package would benefit agriculture, the massive amount of spending and tax increases required to pay for the plan outweigh the gains we would see in rural America. Also, the manner in which they were crafted is concerning. The agriculture industry and the committees of jurisdiction have held to a long tradition of bipartisanship that we have seen erode over this past year. We hope this does not negatively impact future farm policy discussions.

In addition, the best policy is that which is discussed in an open and transparent manner with input from a variety of stakeholders. Reconciliation has been anything but transparent with billions of dollars not even discussed by the committees of jurisdiction. This should concern all advocates of good and responsible government.

The economy is still recovering from the pandemic, supply chains are stressed, and inflation is putting pressure on America's pocketbooks. Now is not the time to put an additional burden on families struggling to make ends meet. After watching months of contentious, partisan debate surrounding the Build Back Better Act, Farm Bureau can only stand in opposition to the legislation.

Respectfully,

ZIPPY DUVALL,
President.

Mr. BRADY. Mr. Speaker, I reserve the balance of my time.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. GOMEZ), whose negotiating skill on USMCA really impressed me.

Mr. GOMEZ. Mr. Speaker, I rise today as a second-generation American. I am the son of Mexican immigrants who came here in pursuit of the American promise; a promise that if you work hard and follow the rules, you will succeed, and your children and grandchildren will build on that success.

Unfortunately, the promise has eluded far too many Americans, particularly the working class and people of color. Although some of them feel America has given up on them, they have refused to give up on America. That is why we must pass the Build Back Better Act to make historic investments in our people and our planet and put the American promise within reach of an entire generation for the first time.

Through the Build Back Better Act, we have an opening to invest in children and families by expanding the child tax credit and universal pre-K, give millions of families an affordable place to call home, and tackle climate change while creating good-paying jobs. We have a chance to redefine our commitment to the American people and to move toward a more just, equitable, and perfect Union.

Mr. BRADY. Mr. Speaker, I continue to reserve the balance of my time.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from Nevada (Mr. HORSFORD), who is a terrific advocate for all things Nevada.

Mr. HORSFORD. Mr. Speaker, I rise to highlight the historic investments that Ways and Means Democrats have secured in the Build Back Better Act.

For years, Americans have seen their cost of living rise while my colleagues across the aisle focused on tax cuts for the wealthy and the well-connected. At long last, with Democrats in the majority, Congress is delivering the change that our constituents deserve.

As we rebound from the pandemic, I am very proud that the Build Back Better Act includes my bills to cap out-of-pocket drug costs for seniors, lower healthcare premiums for working students, and improve wages, benefits, and training for workers at nursing homes and hospitals.

I also want to acknowledge the major investments in our clean energy future. To tackle the climate crisis and create good union jobs, the Build Back Better Act includes my bills to invest in clean energy transmission and incentivize production of dynamic glass.

The Build Back Better Act will pay for itself, create millions of good-paying jobs, and lower costs for our families. And critically, through a $5 billion investment in my bill to prevent community violence, the Build Back Better Act will keep our communities safe.

Mr. Speaker, I urge this body to pass this bold investment in America.

Mr. BRADY. Mr. Speaker, I reserve the balance of my time.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentlewoman from the Virgin Islands (Ms. PLASKETT), who is a very effective member of the Ways and Means Committee.

Ms. PLASKETT. Mr. Speaker, with the Build Back Better Act, we are investing in a strong economy, in jobs, and ensuring that children, families, and all of our communities can compete and succeed equitably in the 21st century.

This will tremendously benefit all districts, including districts whose Members will not vote for the bill. No doubt many of them will try to take credit for this as they stand against this transformative investment in our economic future.

Build Back Better fights inflation because it is paid for and because it helps working people return to work, increasing supply. Build Back Better reduces the deficit, as we have seen from scoring that has been released as we developed the package.

Americans overwhelmingly support Build Back Better because the American people broadly agree we face an urgent choice between Republicans who insist on keeping the economy that serves the wealthiest and the biggest corporations or the Democrats who are giving middle-class families a hand up at achieving the American Dream.

We have millionaires and billionaires paying lower tax rates than teachers, cops, and firefighters.

Stop pretending you care about balancing the budget, the deficit, and the middle class. We saw what you cared for in the 2017 tax grab.

Mr. Speaker, vote to build back better.

Mr. BRADY. Mr. Speaker, I reserve the balance of my time.

Mr. NEAL. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 5376 is postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Adrian Swann, one of his secretaries.

DEPARTMENT OF VETERANS AFFAIRS ADVISORY COMMITTEE ON UNITED STATES OUTLYING AREAS AND FREELY ASSOCIATED STATES

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3730) to amend title 38, United States Code, to establish in the Department of Veterans Affairs an Advisory Committee on United States Outlying Areas and Freely Associated States, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. TAKANO) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 420, nays 4, not voting 9, as follows:

[Roll No. 380]

YEAS—420

Adams	Casten	Fitzgerald
Aderholt	Castor (FL)	Fitzpatrick
Aguilar	Castro (TX)	Fleischmann
Allen	Cawthorn	Fletcher
Allred	Chabot	Fortenberry
Amodei	Cheney	Foster
Armstrong	Chu	Foxx
Arrington	Cicilline	Frankel, Lois
Auchincloss	Clark (MA)	Franklin, C. Scott
Axne	Clarke (NY)	Fulcher
Babin	Cleaver	Gaetz
Bacon	Cline	Gallagher
Baird	Cloud	Gallego
Balderson	Clyburn	Garamendi
Banks	Clyde	Garbarino
Barr	Cohen	García (CA)
Barragán	Cole	García (IL)
Bass	Comer	García (TX)
Beatty	Connolly	Gibbs
Bentz	Cooper	Gimenez
Bera	Correa	Golden
Bergman	Costa	Gomez
Beyer	Courtney	Gonzalez (OH)
Bice (OK)	Craig	Gonzalez, Vicente
Biggs	Crawford	Gooden (TX)
Bilirakis	Crenshaw	Gosar
Bishop (GA)	Crist	Gottheimer
Bishop (NC)	Crow	Granger
Blumenauer	Cuellar	Graves (LA)
Blunt Rochester	Curtis	Graves (MO)
Boebert	Davids (KS)	Green (TN)
Bonamici	Davidson	Green, Al (TX)
Bost	Davis, Danny K.	Griffith
Bourdeaux	Davis, Rodney	Grijalva
Bowman	Dean	Grothman
Boyle, Brendan F.	DeFazio	Guest
Brady	DeGette	Guthrie
Brooks	DeLauro	Hagedorn
Brown (MD)	DelBene	Harder (CA)
Brown (OH)	Delgado	Harris
Brownley	Demings	Harshbarger
Buchanan	DeSaulnier	Hartzler
Buck	DesJarlais	Hayes
Bucshon	Deutch	Hern
Budd	Diaz-Balart	Herrell
Burchett	Dingell	Herrera Beutler
Burgess	Doggett	Hice (GA)
Bush	Donalds	Higgins (LA)
Bustos	Doyle, Michael F.	Higgins (NY)
Butterfield	Duncan	Hill
Calvert	Dunn	Himes
Cammack	Ellzey	Hinson
Carbajal	Emmer	Hollingsworth
Cárdenas	Escobar	Horsford
Carey	Eshoo	Houlahan
Carl	Espaillat	Hoyer
Carson	Estes	Hudson
Carter (GA)	Evans	Huffman
Carter (LA)	Feenstra	Huizenga
Carter (TX)	Ferguson	Issa
Cartwright	Fischbach	Jackson
Jacobs (CA)	Meeks	Schweikert
Jacobs (NY)	Meijer	Scott (VA)
Jayapal	Meng	Scott, Austin
Jeffries	Meuser	Scott, David
Johnson (GA)	Mfume	Sessions
Johnson (LA)	Miller (IL)	Sewell
Johnson (OH)	Miller (WV)	Sherman
Johnson (SD)	Miller-Meeks	Sherrill
Johnson (TX)	Moolenaar	Simpson
Jones	Mooney	Sires
Jordan	Moore (AL)	Slotkin
Joyce (OH)	Moore (UT)	Smith (MO)
Joyce (PA)	Moore (WI)	Smith (NE)
Kahele	Morelle	Smith (NJ)
Kaptur	Moulton	Smith (WA)
Katko	Mrvan	Smucker
Keating	Mullin	Soto
Keller	Murphy (FL)	Spartz
Kelly (IL)	Murphy (NC)	Speier
Kelly (MS)	Nadler	Stansbury
Kelly (PA)	Napolitano	Stanton
Khanna	Neal	Stauber
Kildee	Neguse	Steel
Kilmer	Nehls	Stefanik
Kim (CA)	Newhouse	Steil
Kim (NJ)	Newman	Steube
Kind	Norcross	Stevens
Kirkpatrick	Nunes	Stewart
Krishnamoorthi	O'Halleran	Strickland
Kuster	Obernolte	Suozzi
Kustoff	Ocasio-Cortez	Swalwell
LaHood	Omar	Takano
LaMalfa	Owens	Taylor
Lamb	Palazzo	Tenney
Lamborn	Pallone	Thompson (CA)
Langevin	Palmer	Thompson (MS)
Larsen (WA)	Panetta	Thompson (PA)
Larson (CT)	Pappas	Tiffany
Latta	Pascrell	Timmons
LaTurner	Payne	Titus
Lawrence	Pence	Tlaib
Lawson (FL)	Perlmutter	Tonko
Lee (CA)	Peters	Torres (CA)
Lee (NV)	Pfluger	Torres (NY)
Leger Fernandez	Phillips	Trahan
Lesko	Pingree	Trone
Letlow	Pocan	Turner
Levin (CA)	Porter	Underwood
Levin (MI)	Posey	Upton
Lieu	Pressley	Valadao
Lofgren	Price (NC)	Van Drew
Long	Quigley	Van Duyne
Lowenthal	Raskin	Vargas
Lucas	Reed	Veasey
Luetkemeyer	Reschenthaler	Vela
Luria	Rice (NY)	Velázquez
Lynch	Rice (SC)	Wagner
Mace	Rodgers (WA)	Walberg
Malinowski	Rogers (AL)	Walorski
Malliotakis	Rogers (KY)	Waltz
Maloney, Carolyn B.	Rose	Wasserman Schultz
Maloney, Sean	Rosendale	Waters
Mann	Ross	Watson Coleman
Manning	Rouzer	Weber (TX)
Massie	Roybal-Allard	Webster (FL)
Mast	Ruiz	Welch
Matsui	Ruppersberger	Wenstrup
McBath	Rush	Westerman
McCarthy	Rutherford	Wexton
McCaul	Ryan	Wild
McClain	Salazar	Williams (GA)
McClintock	Sánchez	Williams (TX)
McCollum	Sarbanes	Wilson (FL)
McEachin	Scalise	Wilson (SC)
McGovern	Scanlon	Wittman
McHenry	Schakowsky	Womack
McKinley	Schiff	Yarmuth
McNerney	Schneider	Young
	Schrader	Zeldin
	Schrier	

NAYS—4

Good (VA)	Norman
Greene (GA)	Roy

NOT VOTING—9

Case	Gonzales, Tony	Loudermilk
Fallon	Jackson Lee	Perry
Gohmert	Kinzinger	Spanberger

□ 1303

Messrs. LUETKEMEYER and GAETZ changed their vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FALLON. Mr. Speaker, on rollcall No. 380 on the passage of H.R. 3730, to amend title 38, United States Code, to establish in the Department of Veterans Affairs an Advisory Committee on United States Outlying Areas and Freely Associated States, and for other purposes, my ''yea'' vote was not recorded because I was unavoidably detained. Had I been present, I would have voted ''yea'' on rollcall No. 380.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Amodei (Balderson)	Johnson (TX) (Jeffries)	Rice (NY) (Murphy (FL))
Bacon (Fitzpatrick)	Kelly (IL) (Clarke (NY))	Roybal-Allard (McCollum)
Barragán (Allred)	Kirkpatrick (Stanton)	Rush (Quigley)
Blumenauer (Beyer)	Krishnamoorthi (Levin (CA))	Sires (Pallone)
Boyle, Brendan F. (Jeffries)	Lawson (FL) (Evans)	Stauber (Bergman)
Burgess (Lucas)	Lieu (Raskin)	Steube (Timmons)
Calvert (Garcia (CA))	Lesko (Miller (WV))	Swalwell (Gomez)
Cleaver (Butterfield)	Long (Fleischmann)	Thompson (MS) (Butterfield)
Davids (KS) (Kim (NJ))	Lowenthal (Beyer)	Thompson (PA) (Meuser)
DeFazio (Brown (MD))	Matsui (Thompson (CA))	Tlaib (Bowman)
Dingell (Clark (MA))	McEachin (Wexton)	Trone (Beyer)
Gonzalez (OH) (Armstrong)	Nunes (Garcia (CA))	Underwood (Casten)
Harshbarger (Fleischmann)	Payne (Pallone)	Van Drew (Tenney)
Hartzler (Walberg)	Porter (Wexton)	Waltz (Salazar)
	Reed (Walorski)	Welch (McGovern)
		Wilson (FL) (Hayes)

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to the gentleman from Louisiana (Mr. SCALISE), the Republican whip, for the purpose of an inquiry as to the balance of the day.

Mr. SCALISE. I thank the gentleman from Maryland for yielding. Mr. Speaker, I would like to request if the gentleman could let us know what the schedule is expected to be for the remainder of today.

Obviously, the reports are that there may be a CBO score today. I also want to ask the gentleman: Would it be anticipated that there would first be a CBO score before any final passage of legislation?

Mr. HOYER. Mr. Speaker, I thank the gentleman for his question. Let me read through this so I reach every point that I think each Member needs to know.

Following the next vote, the House will stand in recess subject to the call of the Chair. As all Members know, we are waiting for some technical pursuits of the budget and reconciliation process to be completed.

The House has completed, as I think all of you know, 1 hour and 40 minutes of the 2 hours of debate on the Build Back Better Act, so there will remain 10 minutes on each side prior to the passage of the Build Back Better Act.

We are waiting, as the gentleman indicated, for the completion of a privileged scrub from the Senate Parliamentarians necessary for the reconciliation process.

Once we have received that information, the Rules Committee and Mr. MCGOVERN will meet to report a rule with an additional manager's amendment to make technical corrections to the bill, which will be considered on the floor so that the Parliamentarian's concerns will be met in that technical amendment.

We are also awaiting the final two committee estimates from CBO. We expect CBO to have estimates—and I want to make it clear that this may not be the CBO score of the overall piece of legislation. We have just heard from those who are going to be reading that through the night, I know. We are also waiting for the final two committee estimates.

As I said, I want to thank the Senate Parliamentarian, who has been working around the clock—their office has been working around the clock to get us to where I think we are now.

I want to also thank CBO, who has been working extraordinarily hard. This is a large piece of legislation, which I guess is an understatement, and it is also complex.

Having said that, obviously, CBO has been working for months—literally August, September, October, and November—on this legislation. We appreciate the hard work of the Parliamentarian and the Director of CBO and their staffs.

We are working toward completing the Build Back Better Act today, and more information on the schedule will be provided as soon as it becomes available.

Let me add, if I can, Mr. Whip, it is my hope that we will complete this legislation today so that this would be the last legislative day prior to the Thanksgiving work period.

I want to make sure everybody understands, however, we will complete Build Back Better before we go home. I am hopeful and believe—I think most Members are hopeful—that we can do that tonight, whether you are for it or against it, that we can do it tonight, and that is my effort to achieve that objective. I know it is the Speaker's effort as well.

I yield to my friend, the whip.

Mr. SCALISE. I thank the gentleman. So regarding the CBO score, right now we are probably at about one-third of the bill being scored. Would it be expected that it wouldn't come up until the full 100 percent would be scored or something less than that?

The other question would be, if the Rules Committee is going to meet again to come out with an additional rule based on the Senate scrub, would there be additional debate on the bill added as part of that rule or would it just be a debate on the rule and then straight into final passage?

Mr. HOYER. There would be debate on the rule, and then the 20 minutes of remaining debate on the bill itself; 10 minutes on your side and 10 minutes on our side.

I want to say, we do expect to have a full table of the score. As those of you who have pored over CBO scores, you know there is a number of pages—sometimes shorter, 15, it can be longer than that—of prose in explanation of the score. What we will have is the score itself, as I understand it, a summary table of the score. We may not have the prose by that time.

I want to make it clear to you that that is not necessary for us to pass it. It is necessary, and it will be in place, before it goes to the Senate under the reconciliation rules.

Mr. SCALISE. So for the three remaining committees, we have Ways and Means, Energy and Commerce, and Judiciary that still haven't been scored. Would all of those be at least in a table? The remaining committees that have not been scored, would they be part of a breakdown table at a minimum, whether or not it is the more detailed version, as well?

Mr. HOYER. The Energy and Commerce has been done, so we do have that. But the other two will be in the table, correct.

Mr. SCALISE. So Ways and Means and Judiciary would also be in a table before something came?

Mr. HOYER. Yes, that is my understanding.

Mr. Speaker, I yield back the balance of my time.

TSA REACHING ACROSS NATIONALITIES, SOCIETIES, AND LANGUAGES TO ADVANCE TRAVELER EDUCATION ACT

The SPEAKER pro tempore (Mr. CARTER of Louisiana). Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5574) to require the TSA to develop a plan to ensure that TSA material disseminated in major airports can be better understood by more people accessing such airports, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Nevada (Ms. TITUS) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 369, nays 49, not voting 15, as follows:

[Roll No. 381]

YEAS—369

Adams
Aderholt
Aguilar
Allred
Amodei
Armstrong
Auchincloss
Axne
Bacon
Baird
Balderson
Barr
Barragán
Bass
Beatty
Bentz
Bera
Bergman
Beyer
Bice (OK)
Bilirakis
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Bost
Bourdeaux
Bowman
Boyle, Brendan F.
Brown (MD)
Brown (OH)
Brownley
Buchanan
Bucshon
Burgess
Bush
Bustos
Butterfield
Calvert
Carbajal
Cárdenas
Carey
Carl
Carson
Carter (GA)
Carter (LA)
Cartwright
Casten
Castor (FL)
Castro (TX)
Cawthorn
Chabot
Cheney
Chu
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Cline
Clyburn
Clyde
Cohen
Cole
Comer
Cooper
Correa
Costa
Courtney
Craig
Crawford
Crenshaw
Crist
Crow
Cuellar
Curtis
Davids (KS)
Davidson
Davis, Danny K.
Davis, Rodney
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Doyle, Michael F.
Duncan
Ellzey
Emmer
Escobar
Eshoo
Espaillat
Estes
Evans
Fallon
Feenstra
Ferguson
Fischbach
Fitzgerald
Fitzpatrick
Fleischmann
Fletcher
Fortenberry
Foster
Foxx
Frankel, Lois
Fulcher
Gallego
Garamendi
Garbarino
García (CA)
García (IL)
García (TX)
Gibbs
Gimenez
Golden
Gomez
Gonzalez (OH)
Gonzalez, Vicente
Gottheimer
Granger
Graves (LA)
Green, Al (TX)
Grijalva
Guest
Guthrie
Hagedorn
Harder (CA)
Harshbarger
Hayes
Herrera Beutler
Hice (GA)
Higgins (NY)
Hill
Himes
Hinson
Hollingsworth
Horsford
Houlahan
Hoyer
Hudson
Huffman
Huizenga
Issa
Jackson Lee
Jacobs (CA)
Jacobs (NY)
Jayapal
Jeffries
Johnson (GA)
Johnson (LA)
Johnson (SD)
Johnson (TX)
Jones
Joyce (OH)
Joyce (PA)
Kahele
Kaptur
Katko
Keating
Keller
Kelly (IL)
Kelly (MS)
Kelly (PA)
Khanna
Kildee
Kilmer
Kim (CA)
Kim (NJ)
Kind
Kirkpatrick
Krishnamoorthi
Kustoff
LaHood
Lamb
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latta
LaTurner
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Leger Fernandez
Lesko
Letlow
Levin (CA)
Levin (MI)
Lieu
Lofgren
Long
Lowenthal
Lucas
Luetkemeyer
Luria
Lynch
Mace
Malinowski
Malliotakis
Maloney, Carolyn B.
Maloney, Sean
Mann
Manning
Mast
Matsui
McBath
McCarthy
McCaul
McClain
McCollum
McEachin
McGovern
McKinley
McNerney
Meeks
Meijer
Meng
Meuser
Mfume
Miller (WV)
Miller-Meeks
Moolenaar
Moore (UT)
Moore (WI)
Morelle
Moulton
Mrvan
Mullin
Murphy (FL)
Murphy (NC)
Nadler
Napolitano
Neal
Neguse
Nehls
Newhouse
Newman
Norcross
Nunes
O'Halleran
Obernolte
Ocasio-Cortez
Omar
Owens
Pallone
Palmer
Panetta
Pappas
Pascrell
Payne
Pence
Perlmutter
Peters
Pfluger
Phillips
Pingree
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Reed
Reschenthaler
Rice (NY)
Rice (SC)
Rodgers (WA)
Rogers (AL)
Rogers (KY)
Ross
Rouzer
Roybal-Allard
Ruiz
Ruppersberger
Rush
Rutherford
Ryan
Salazar
Sánchez
Sarbanes
Scalise
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sewell
Sherman
Sherrill
Simpson
Sires
Slotkin
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (WA)
Smucker
Soto
Spanberger
Spartz
Speier
Stansbury
Stanton
Stauber

Steel
Stefanik
Steil
Stevens
Stewart
Strickland
Suozzi
Swalwell
Takano
Taylor
Tenney
Thompson (CA)
Thompson (MS)
Thompson (PA)
Timmons
Titus
Tlaib
Tonko
Torres (CA)
Torres (NY)
Trahan
Trone
Turner
Underwood
Upton
Valadao
Van Duyne
Vargas
Veasey
Vela
Velázquez
Wagner
Walberg
Walorski
Waltz
Wasserman Schultz
Waters
Watson Coleman
Webster (FL)
Welch
Wenstrup
Westerman
Wexton
Wild
Williams (GA)
Williams (TX)
Wilson (FL)
Wilson (SC)
Wittman
Womack
Yarmuth
Young

NAYS—49

Allen
Arrington
Babin
Banks
Biggs
Bishop (NC)
Boebert
Brooks
Buck
Budd
Burchett
Cammack
Carter (TX)
Cloud
DesJarlais
Donalds
Dunn
Franklin, C. Scott
Gaetz
Gallagher
Good (VA)
Gooden (TX)
Gosar
Graves (MO)
Green (TN)
Greene (GA)
Griffith
Grothman
Harris
Hern
Herrell
Higgins (LA)
Jackson
Jordan
LaMalfa
Massie
McClintock
Miller (IL)
Moore (AL)
Palazzo
Posey
Rose
Rosendale
Roy
Sessions
Steube
Tiffany
Van Drew
Weber (TX)

NOT VOTING—15

Brady
Case
Connolly
Gohmert
Gonzales, Tony
Hartzler
Johnson (OH)
Kinzinger
Kuster
Loudermilk
McHenry
Mooney
Norman
Perry
Zeldin

□ 1327

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SPANBERGER. Mr. Speaker, had I been present, I would have voted ''yea'' on rollcall No. 381.

Mr. BRADY. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted ''yea'' on rollcall No. 381.

PERSONAL EXPLANATION

Mr. TONY GONZALES of Texas. Mr. Speaker, for processions held on November 18th, I would like to register for the record that I would have voted YEA on H.R. 5574, the TRANSLATE Act; and YEA on H.R. 3730, to amend title 38, United States Code, to establish in the Department of Veterans Affairs an Advisory Committee on United States Outlying Areas and Freely Associated States, and for other purposes.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Amodei (Balderson)
Bacon (Fitzpatrick)
Barragán (Allred)
Blumenauer (Beyer)
Boyle, Brendan F. (Jeffries)
Brooks (Moore (AL))
Burgess (Lucas)
Calvert (Garcia (CA))
Cleaver (Butterfield)
Davids (KS) (Kim (NJ))
DeFazio (Brown (MD))
Dingell (Clark (MA))
Duncan (Timmons)
Fallon (Nehls)
Gonzalez (OH) (Armstrong)
Harshbarger (Fleischmann)
Johnson (TX) (Jeffries)
Kelly (IL) (Clarke (NY))
Kirkpatrick (Stanton)
Krishnamoorthi (Levin (CA))
Lawson (FL) (Evans)
Lieu (Raskin)
Lesko (Miller (WV))
Long (Fleischmann)
Lowenthal (Beyer)
Matsui (Thompson (CA))
McEachin (Wexton)
Nunes (Garcia (CA))
Payne (Pallone)
Porter (Wexton)
Reed (Walorski)
Rice (NY) (Murphy (FL))
Roybal-Allard (McCollum)
Rush (Quigley)
Sires (Pallone)
Stauber (Bergman)
Steube (Timmons)
Swalwell (Gomez)
Thompson (MS) (Butterfield)
Thompson (PA) (Meuser)
Tlaib (Bowman)
Trone (Beyer)
Underwood (Casten)
Van Drew (Tenney)
Waltz (Salazar)
Welch (McGovern)
Wilson (FL) (Hayes)

PERSONAL EXPLANATION

Ms. JACKSON LEE. Mr. Speaker, on H.R. 3730, the legislation to amend title 38, United States Code, to establish in the Department of Veterans Affairs an Advisory Committee on United States Outlying Areas and Freely Associated States, and for other purposes, that was voted on, I was unavoidably detained. If I had been present, I would have voted ''aye'' on H.R. 3730.

□ 1330

TERMINATION OF EMERGENCY WITH RESPECT TO THE SITUATION IN BURUNDI—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 117–76)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Consistent with subsection 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b), I hereby report that I have issued an Executive Order that terminates the national emergency declared in Executive Order 13712 of November 22, 2015, and revokes that Executive Order.

The President issued Executive Order 13712 to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the situation in Burundi, which had been marked by the killing of and violence against civilians, unrest, incitement of imminent violence, and significant political repression. In Executive Order 13712, the President addressed the threat by blocking the property and interests in property of, among others, persons determined by the Secretary of the Treasury, in consultation with the Secretary of State, to be responsible for or complicit in actions or policies that threaten the peace, security, and stability of Burundi or undermine democratic processes or institutions in Burundi, or to have engaged in human rights abuses.

I have determined that the situation in Burundi that gave rise to the national emergency declared in Executive Order 13712 has been significantly altered by events of the past year, including the transfer of power following elections in 2020, significantly decreased violence, and President Ndayishimiye's pursuit of reforms across multiple sectors. For these reasons I have determined that it is necessary to terminate the national emergency declared in Executive Order 13712 and revoke that order.

I am enclosing a copy of the Executive Order I have issued.

JOSEPH R. BIDEN, Jr.

THE WHITE HOUSE, *November 18, 2021.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 33 minutes p.m.), the House stood in recess.

□ 1802

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. BLUNT ROCHESTER) at 6 o'clock and 2 minutes p.m.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 5376, BUILD BACK BETTER ACT

Mr. MCGOVERN. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 803 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 803

Resolved, That during further consideration of the bill (H.R. 5376) to provide for reconciliation pursuant to title II of S. Con. Res. 14, pursuant to House Resolution 774, the further amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Pennsylvania (Mr. RESCHENTHALER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. MCGOVERN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today, the Rules Committee met and reported a rule, House Resolution 803. The rule self-executes an additional manager's amendment to H.R. 5376, the Build Back Better Act.

Madam Speaker, I don't think I will surprise anyone here when I say that reconciliation can be a challenging process. The legislation we pass here must be vetted to comply with the Senate's procedural rules so that it can be considered there as quickly as possible. This is why we are here tonight, to ensure the historic Build Back Better bill can be taken up across the Capitol without delay.

There was some concern that this process might negatively impact the policies and programs contained in the legislation. But I am proud to report tonight, Madam Speaker, that this rule makes only very technical changes.

As the summary states, it makes ''technical changes to narrow U.S. Code citations and references to comply with Senate procedural requirements.''

Now, let me put that in plain English, Madam Speaker. The Build Back Better Act remains virtually unchanged.

That means U.S. workers will see the establishment of the first-ever national paid family and medical leave guarantee.

People will see the largest expansion of healthcare coverage since the Affordable Care Act was passed nearly a decade ago.

Nine million Americans will see their premiums reduced through the expansion of the premium tax credit.

Four million people who are uninsured today will have access to quality care through the closing of Medicaid's coverage gap.

Those who take prescription drugs will see lower costs since Medicare is finally—finally—allowed to start negotiating drug prices.

The more than 25 million people who rely on insulin in this country will see the cost of insulin capped at just $35.

Families will save an average of $8,600 per child every year through the establishment of universal and free preschool for 3- and 4-year-olds.

Five million students will see their Pell grants get a boost, and Dreamers will be eligible to receive them.

Roughly 40 million American families will see a tax cut through the extension of the child tax credit. This was first enacted in the American Rescue Plan and will help cut child poverty nearly in half.

And, yes, Madam Speaker, future generations will have a more livable planet through historic investments that we are making here to combat the climate crisis.

Now, I know this has been a long process at times. The Rules Committee has spent more than a dozen hours over multiple meetings considering this bill, and that is in addition to the work of all the other committees.

But now, Madam Speaker, the numbers have been crunched; the technical language has been vetted; and we are on the doorstep of passing this historic bill.

The Build Back Better Act is a transformational bill at a historic moment, and it is up to all of us to seize this opportunity.

I urge all of my colleagues to support this rule and advance this transformational legislation so that we can deliver for the American people.

Madam Speaker, I reserve the balance of my time.

Mr. RESCHENTHALER. Madam Speaker, I thank the distinguished gentleman from Massachusetts for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Madam Speaker, in Joe Biden's America, 70 percent of Americans describe this economy as poor. It is not hard to see why that is.

Inflation is at a 31-year high. This makes it harder for everyday Americans to purchase everyday items. It is also wiping out wages.

Gas prices alone are at a 7-year high.

American families are facing the most expensive Thanksgiving on record.

The backlog of ships that are waiting to deliver goods has grown by 43 percent since President Biden promised to fix our supply chain crisis last month.

Yet, here we are, about to consider the most expensive bill in American history. We are doing this instead of addressing the real problems that are facing real Americans.

Democrats are now doubling down on their failed tax and spend policies that will make Joe Biden's economic crisis even worse than it is now.

President Biden once said: ''Show me your budget, and I will tell you what you value.'' Well, the bill before us today makes one thing clear: Democrats value millionaires and billionaires over blue-collar workers and American families.

The Democrats' Big Government socialist spending spree provides tax cuts of up to $25,900 for millionaires, home buying and childcare subsidies for couples making over $200,000, and electric vehicle subsidies for couples who bring in more than half a million dollars a year.

Those are the values of my colleagues across the aisle. In total, there are $250 billion in tax breaks for the top 1 percent.

Who will be paying for the wealthy to buy a new mansion or maybe put a new Tesla in their five-car garage? That is easy. It is going to be middle-class Americans, working families who have to subsidize these extravagances.

The left-leaning Tax Policy Center found this bill would raise taxes on middle-class Americans by 30 percent. That doesn't even factor in the hidden tax of inflation that is over 6 percent now.

This tax scheme will also destroy up to 1 million U.S. jobs.

Just like millionaires and billionaires, China benefits from this bill, thanks to a ban on domestic mineral production and policies that make it better for foreign businesses to manufacture outside the United States rather than right here in America.

Far-left news organizations also luck out with a new tax cut, while millions of illegal immigrants will be granted amnesty and will be eligible for $45,000 a year in government benefits.

Butterflies, freshwater mussels, and desert fish also receive millions of dollars in this bill. There is also $2.5 billion for so-called tree equity.

How about middle-class Americans? We already know that they will be paying more in taxes and seeing fewer economic opportunities. But, surely, there is something in this bill for them.

Well, for starters, Democrats are hiring 87,000 new IRS agents to spy on their bank accounts. Their proposal will double the chance of being audited, with nearly half of all audits hitting families making less than $75,000 a year.

The Democrats are also implementing Big Government socialist price control schemes on prescription drugs, meaning that fewer cures and fewer treatments will be available for seniors and patients.

Also, thanks to a natural gas tax and more than $550 billion spent on Green New Deal policies, Americans can expect to pay higher prices for home heating costs, electricity rates, and gas prices. Keep in mind that heating bills are already expected to be up as much as 54 percent for some American households this winter.

So if President Biden's words are true and a budget is demonstrative of values, then it is very clear what my friends across the aisle value, and that is millionaires and billionaires, illegal immigrants, bugs and fish, and even this concept of tree equity.

Those are the values that are prioritized in this budget over the concerns and needs of everyday Americans, working-class and middle-class families.

The Democrats' Big Government socialist spending scam is full of far-left priorities and will further fuel the highest inflation and the highest spike in prices that we have seen in four decades. Sadly, it is going to be American workers, job creators, and families who will be forced to foot this bill.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I include in the RECORD a November 17 Reuters article titled ''Rating agencies say Biden's spending plans will not add to inflationary pressure.''

[From Reuters, Nov. 16, 2021]

RATING AGENCIES SAY BIDEN'S SPENDING PLANS WILL NOT ADD TO INFLATIONARY PRESSURE

(By Kanishka Singh)

U.S. President Joe Biden's infrastructure and social spending legislation will not add to inflationary pressures in the U.S. economy, economists and analysts in leading rating agencies told Reuters on Tuesday.

Biden has spent the past few months promoting the merits of both pieces of legislation—the $1.75 trillion ''Build Back Better''

plan and a separate $1 trillion infrastructure plan. read more

The two pieces of legislation ''should not have any real material impact on inflation'', William Foster, vice president and senior credit officer (Sovereign Risk) at Moody's Investors Service, told Reuters.

The impact of the spending packages on the fiscal deficit will be rather small because they will be spread over a relatively long time horizon, Foster added.

Senator Joe Manchin, a centrist Democrat, has previously raised inflationary concerns in relation to Biden's social spending plan, with a report earlier this month suggesting he may delay the passage of the Build Back Better legislation. read more

''The bills do not add to inflation pressures, as the policies help to lift long-term economic growth via stronger productivity and labor force growth, and thus take the edge off of inflation,'' said Mark Zandi, chief economist at Moody's Analytics, which operates independently from the parent company's ratings business.

Zandi said the costs of both the infrastructure and social spending legislation were sustainable.

''The bills are largely paid for through higher taxes on multinational corporations and well-to-do households, and more than paid for if the benefit of the added growth and the resulting impact on the government's fiscal situation are considered'', he said in an interview.

Charles Seville, senior director and Americas sovereigns co-head at Fitch Ratings, said the two pieces of legislation ''will neither boost nor quell inflation much in the short-run.''

Government spending will still add less to demand in 2022 than in 2021 and over the longer-run, the social spending legislation could increase labor supply through provisions such as childcare, and productivity, Seville told Reuters.

The House of Representatives passed the $1 trillion infrastructure package earlier this month after the Senate approved it in August. Biden signed the bill into law on Monday.

The Build Back Better package includes provisions on childcare and preschool, eldercare, healthcare, prescription drug pricing and immigration.

''The deficit will still narrow in FY 2022 as pandemic relief spending drops out and the economic recovery boosts tax revenues'', Seville said. ''But the legislation (Build Back Better) does not sustainably fund all the initiatives, particularly if these are extended and don't sunset, meaning that they will be funded by greater borrowing.''

The Congressional Budget Office anticipates publishing a complete cost estimate for the Build Back Better plan by Friday, Nov. 19. Biden said on Tuesday he expected the Build Back Better legislation to be passed within a week's time.

Mr. MCGOVERN. Madam Speaker, just yesterday, economists and analysts made clear that the Build Back Better bill would not add to inflationary pressures. Let me remind those on the other side that there are provisions in this legislation to bolster our supply chains.

If we want to talk about values, our values are that we want to lower the cost of prescription drugs for our senior citizens. Our values are that we think it is outrageous that drug companies charge so much for insulin, a drug that has been around forever, yet families are being gouged by these drug companies. There is a provision in this bill that caps insulin costs at just $35 a month. Those are our values.

Madam Speaker, I yield 1½ minutes to the gentleman from Colorado (Mr. NEGUSE), a distinguished member of the Rules Committee.

Mr. NEGUSE. Madam Speaker, with all the respect in the world to my colleague from Pennsylvania, to the extent he wants to talk about Joe Biden's America, let's stick to the facts.

In Joe Biden's America, wage growth is up, and unemployment is down. In Joe Biden's America, family income is up, and prescription drug pricing is poised to go down.

That is why I am excited to be here today, Madam Speaker, to support the Build Back Better Act and speak in support of this transformative, historic legislation that will inure to the benefit of each and every American.

There is a lot to be proud of in this bill, such as the tax cuts for working families that it will deliver, the jobs that it will create, and the costs for working families that it will lower.

But for me, personally, the part that I am most enthused and excited about is universal pre-K because, as the Speaker knows, I am a father. I have a young 3-year-old daughter who started preschool this year. There is nothing that can bring a smile to my face more than seeing my daughter after a day at preschool, seeing how much she has enjoyed it and how much she has learned. We are lucky to be able to send her to school, but many families in Colorado and across the country are not.

Thanks to President Biden's vision, universal pre-K for every 3-year-old and 4-year-old in the United States of America will be a reality.

So let's pass this bill. Let's send it to the Senate. Let's get it across the finish line. And let's deliver for the American people.

□ 1815

Mr. RESCHENTHALER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I just want to cite something. While campaigning for the White House last year, President Biden repeatedly, repeatedly stressed that he would not directly raise taxes on individuals making below $400,000.

Information in an analysis by the Joint Committee on Taxation released Tuesday showed that the House version of President Biden's bill will start raising taxes as early as 2023 on middle-class families.

Additionally, tax increases fall heaviest on the lower and middle class, while the super-wealthy receive a generous tax cut until at least 2025.

I know my good friend from Colorado was talking about wages increasing. What is not being considered is that if wages are not increasing at the amount of inflation, people are actually having less purchasing power. So unless your wages have increased by 6.2 percent, your money earned is actually not what it was just a month or two or three ago.

So, yes, wages may be rising, but they are not keeping pace with inflation, so everyday Americans are paying what economists call the invisible tax of inflation, which hurts working-class and middle-class families the most, particularly when you look at the amount they have to pay for gas prices, which are at a 7-year high. By the way, the last time gas prices were this high, President Biden was again in the White House.

Additionally, something to consider, the budget resolution has three committees that are well over the budget resolution amount, which I believe is going to cause a problem in the Senate.

First, the Committee on Homeland Security was at $500 million in the budget resolution. It is almost three times that amount on the current CBO score. It is just under $1.5 billion.

If you look at the Committee on the Judiciary, you had a budget resolution number of just about $108 billion. The CBO came back at $115 billion, just over $115 billion, with $369 billion from 2032 to 2041.

Then you have the Committee on Oversight, which is almost just as egregious as Homeland Security's number. It was in the budget resolution as $7.5 billion. It is almost twice that, at $13.8 billion.

I am not the Senate Parliamentarian, but from my understanding, this is going to cause significant issues at the Senate.

But, Madam Speaker, I just want to talk about the previous question. If we defeat the previous question, I will offer personally an amendment to the rule to strike provisions in this bill allowing millions of illegal immigrants to live and work in the United States indefinitely and setting them on the path toward citizenship.

Madam Speaker, I ask for unanimous consent to insert the text of my amendment in the RECORD along with any extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RESCHENTHALER. Madam Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. JORDAN), my good friend and the former ranking member of the Judiciary Committee to explain the amendment.

Mr. JORDAN. Madam Speaker, in 10 months we have gone from a secure border to complete chaos. We don't have a border anymore. We don't. We now have what Secretary Clinton said she wanted when she ran for President 5 years ago. We have a borderless hemisphere.

You don't believe it? Just look at the numbers. March was the highest month on record for illegal crossings at our southern border, the highest month on record until April, and then April was the highest month on record until May,

and then May was the highest month on record until June. June was the highest month on record until July, when there were 212,000 illegal encounters on our southern border.

This past month it went all the way down to 164,000. 1.7 million this year alone. A record.

And guess what? Thousands more in a caravan are on their way. And all the terrible things that happen in these caravans are there because of the policies of the Biden administration and the Democrats who control the Federal Government.

But don't worry. Don't worry. Secretary Mayorkas said this, ''The border is closed. The border is secure.'' If the effects and what happens to kids and families on these treks wasn't so serious, if it wasn't so bad, you would almost have to laugh because there is no way anyone can describe the border as closed and the border as secure.

In this big spending bill, this $2 trillion monstrosity, what is the Democrats' response to that chaotic situation on our border?

Amnesty for over 6 million people who are in our country illegally. Think about that. That is their response.

Oh, and don't forget—don't forget what the Justice Department is getting ready to do. When they are not spying on parents, when they are not treating parents as a domestic terrorist threat, our Justice Department is getting ready to pay people who illegally entered our country $450,000. I mean, you can't make this stuff up. It is why people all across this country are just throwing their hands up. What is going on?

The cost of the immigration policies in this legislation are almost half a trillion dollars over the next 20 years. Half a trillion dollars. But, again, don't worry, Joe Biden says that half a trillion dollars in spending on immigration policies and all the other spending in this bill is going to help the inflation problem.

There is not a rational, sane person on the planet who believes that. And why the President of the United States would make such a statement is beyond me.

Record high inflation. The highest we have had in 31 years, and Joe Biden says spending half a trillion over 20 years on immigration policies in this legislation and all the other spending is going to lower inflation.

Let's defeat the previous question. When it comes up, let's defeat the rule. And for goodness' sake, I hope we will vote down this bill, which is only going to exacerbate the already terrible situation we have seen. Every single policy that has come from the Biden administration and the Democrat-controlled Congress has been harmful to American families.

We have gone, as I said, from a secure border to chaos. We have gone from energy independence to the spectacle of the President of the United States begging OPEC to increase production. We went from relatively safe cities to crime going up in every major urban area in this country, and we went from stable prices to a 31-year high in inflation.

You want to buy a home? It is going to cost more.

You want to rent an apartment? It is going to cost more.

Put food on the table? It is going to cost more.

Put gas in your car? It is going to cost more.

Thanksgiving turkey is going to cost more. Christmas presents for your family are going to cost more in Joe Biden's America.

This bill is so bad. Vote down the previous question, vote down the rule, vote down this bill for the good of the families of this great Nation.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I have to tell you, I think what is on display here really is the difference between Democrats and Republicans.

I mean, this Build Back Better bill is about our values and about what we are for, about solving problems. And what we hear from our Republican friends is hate and vitriol, blaming Joe Biden for everything. It is a cloudy day out; it is Joe Biden's fault. I mean, everything. But no solutions, nothing that they are for.

We passed a historic infrastructure bill 2 weeks ago. It is going to help rebuild our country. The overwhelming majority of my Republican friends voted against it, and the few that voted for it are now under attack by the Republican leadership and are being threatened with losing their committee assignments. I mean, that is their response to our infrastructure challenges.

When the previous President, Mr. Trump, was in office, we had infrastructure week, infrastructure month, infrastructure press release, but no infrastructure money. Thankfully, because of the leadership of this President, and Members of this Congress who voted for it, we have an infrastructure bill.

When you talk about policies that they are against, I mean, really, you are against the extension of the child tax credit, which has decreased child poverty by almost 30 percent?

Are you against increasing the Pell grants and against investing in affordable housing?

Are you against dealing with the climate crisis?

Are you against, you know, the universal free pre-K for 3-year-olds and 4-year-olds?

Are you against expanding the earned income tax credit?

Are you against making historic investments in historically Black colleges and universities?

I mean, I can go on and on and on. But these are the things we are for. What you hear from the other side is what they are against.

I think the American people think it is more important for us to tell them what we are for. And what this bill is about is about being on the side of those who struggle in this country every day.

And, by the way, there are investments in this bill to deal with our supply chain issues, which can also help with inflation, but I guess they are against that, too.

I now yield 1 minute to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY), the distinguished chair of the Committee on Oversight and Reform.

Mrs. CAROLYN B. MALONEY of New York. Madam Speaker, I thank the gentleman for yielding and for his strong and important leadership on this historic bill.

I rise in strong support of the Build Back Better Act and thank the Democratic leadership for their historic investment into the American lives and the lives of their families.

We have no future if we don't get serious about combating climate change, and this bill is transformative in this area and so many other areas.

The Oversight Committee's title would make the Federal Government a leader on combating climate change by electrifying the Federal Government's vehicle fleet. Our title includes nearly $3 billion for GSA and $6 billion for the Postal Service to purchase tens of thousands of electric vehicles and build the infrastructure necessary to support them.

Electric vehicles are a sensible and cost-effective investment that will reduce emissions and help save our planet.

The title also includes $4 billion for GSA to expand the use of emerging green technologies and to green Federal buildings.

I am especially pleased that we have included dedicated funding for OMB to track labor equity and environmental standards and performance.

It is critical that the House pass this bill as quickly as possible. Congratulations to everyone who is supporting this critically important bill.

Mr. RESCHENTHALER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we are all here to represent our constituents, and I don't think it is a coincidence that House Democrats represent all but one of the 25 districts that benefit from the SALT tax provision. That includes Speaker PELOSI's own district. What this is, it is a tax break for millionaires and billionaires.

Let's just look at the tax consequences of this bill. Analysis by the nonprofit Tax Foundation found, ''Over 96 percent of districts across the United States would eventually see a tax increase'' because of President Biden's and House Democrats' socialist, Big Government spending spree. Ninety-six percent of districts will have higher taxes because of that. This hurts the working and middle class.

Even the left-leaning Tax Policy Center found that President Biden's and Speaker PELOSI's spending spree would raise taxes on middle-class Americans by 30 percent. That is 30 percent that you have to take into account when you have inflation at over 6 percent. In essence, it is a 36 percent-plus tax increase on middle-class families and working families.

This bill, though, delivers tax cuts to some people, and that is two-thirds of the country's millionaires. Two-thirds of the millionaires in the United States under this bill actually receive a tax cut.

Small businesses also get hurt. They don't get favored like millionaires and billionaires. This includes $400 billion in small business tax hikes, which some argue would take the effective tax rate of small businesses in excess of 57 percent.

Additionally, this bill hires 87,000 new IRS agents that are going to be used to increase audits on everyday, working Americans. Nearly half of those audits will impact families earning $75,000 a year or less. About one-quarter affected will be Americans who earn just $25,000 per year. This will damage the working and middle class severely.

□ 1830

This isn't just numbers. We can talk about tax rates all we want, but when Americans go to Thanksgiving Day dinner, they will pay more than ever.

If you just look at how much Americans are paying, steak is up 24 percent. Bacon is up over 20 percent; fish and seafood over 11 percent; eggs, 11.6 percent. This will be the most expensive Thanksgiving Day dinner in the history of the United States, thanks to Joe Biden's economy.

Madam Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. JORDAN), my good friend and colleague.

Mr. JORDAN. Madam Speaker, I thank the gentleman for yielding.

The chairman of the Rules Committee said Republicans want to blame Joe Biden for everything. I am not blaming Joe Biden for everything; the American people are. Right-track, wrong-track polling says 71 percent of our fellow citizens think our country is on the wrong track. I am not blaming Joe Biden; they are, the people we represent.

Approval rating is 38 percent, and the Vice President's approval is 28 percent. In the history of polling for Vice President and President, I don't know if I have ever seen anything that low. It is the American people who are fed up with what they see.

The gentleman who chairs the Rules Committee said: What are they for? I will tell you what we are for. I will tell you what Republicans are for. I will tell you what the American people are for. We are actually for a secure border. Imagine that.

We are for lower prices.

We actually would like to have real wages be going up like they were under President Trump.

We would like to have a secure border like we had under President Trump.

We would actually like less crime in our urban areas like we had under President Trump.

We would like to be energy independent like we were just 10 months ago. We would kind of like not to have the spectacle of the President of the United States begging OPEC to increase production at the same time your policies in this bill would discourage American companies from increasing production. What do you guys want, $8 a gallon gasoline?

I will tell you what we are for. We are for a Department of Justice that doesn't target parents, doesn't target moms and dads for standing up and saying we don't want this racist curriculum, anti-American curriculum, taught to our kids.

I will tell you what we are for. We are actually for not raising taxes on American families. That is what we are for. That is what American families want. They like to keep the money they earn, be able to put gas in their car, buy Christmas presents for their family, afford the things that just 10 months ago they could. Ten months ago, it was so much different. That is what we are for.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

I don't even know how to respond to all of that. I would just say to my friends that the American people had what they had to offer. When they were in the majority, we had 4 years of Donald Trump, and guess what? They voted for Joe Biden and gave him a victory by millions and millions and millions and millions of votes. So, I don't think they want what they were selling.

I just also say to my friends who are trying to lecture us on tax policy, my Republican friends can't be serious here. You added $2 trillion to the deficit to give tax breaks to millionaires and billionaires and corporations at the expense of everyone else. It was shameful. It was shameful what my friends did.

I yield 2 minutes to the gentleman from California (Mr. TAKANO), the distinguished chairman of the Committee on Veterans' Affairs.

Mr. TAKANO. Madam Speaker, I thank the gentleman for yielding.

I rise today in support of the House Committee on Veterans' Affairs contribution to the Build Back Better Act of 2021.

The committee has an important responsibility to advance measures that support veterans and honor their service and sacrifice, as well as that of their families, caregivers, and survivors.

Last week, we celebrated Veterans Day. The Build Back Better Act is the perfect way to continue to show our gratitude with concrete, meaningful investment for all veterans.

By making this critical investment at the VA, we can start rebuilding VA's capacity in terms of brick-and-mortar infrastructure, human capital, and support structures that serve our Nation's veterans.

Now, I have a difficult time believing my colleagues across the aisle think that veterans are unworthy of this investment. The fact is, veterans from Baton Rouge, Louisiana, to Beaufort, South Carolina, and from Columbia, Missouri, to Clarksville, Tennessee, are among the districts that stand to gain directly from these resources.

The most important piece of this legislation is the $1.8 billion for medical facility leases that fixes a longstanding backlog of lease authorizations. Take a look at VA's budget book, at the leases that are on that list. You will see it largely benefits Republican districts. Do my Republican colleagues not want VA facilities and clinics in their districts? I don't believe that for one moment. I know that they will attend the ribbon-cutting ceremonies, though, when this bill is passed into law and issue press releases when these facilities are open.

Voting against this legislation would not only mean turning our backs on our most sacred promise to our Nation's veterans, but it would be a striking departure for many of my Republican colleagues who have long advocated for these investments.

As demand for care and services at VA continue to grow, the lack of purposeful, usable clinic space will hurt veterans, including women veterans, because clinic spaces are not designed for them. A lack of access to healthcare providers will hurt veterans because we simply don't have enough providers in this country. Making investments in the next generation of healthcare providers is just common sense.

I will end by saying nearly three-fourths of the American people agree that it is time to update VA's infrastructure. The Build Back Better Act gives us the framework to do just that.

Mr. RESCHENTHALER. Madam Speaker, I yield myself such time as I may consume.

My friend and colleague from Massachusetts was talking about taxes. I will stand here and talk about taxes all day because, at the end of the night, the American people will see that the second-biggest provision in this bill is actually a tax break to millionaires and billionaires.

Facts are facts. If you look at it, the Committee for Responsible Federal Budgets found that the SALT tax carve-out would ''be nearly 50 times as large as the benefit of the expanded child tax credits for a typical family over 5 years.''

SALT gives tax breaks to millionaires and billionaires in blue States. Who pays for that? Working families all over the United States.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. CARTER).

Mr. CARTER of Louisiana. This is our moment. Now is the time to deal the working people back in.

We need to prove to the people that the government works for them, not just for those on top.

Build Back Better lowers family healthcare costs by strengthening the ACA, capping the price on insulin, adding in hearing benefits for Medicare, and much more.

This bill would be transformative for American families. With the child tax credit, childcare, and affordable, high-quality preschool, our Nation will finally invest in our children.

We must address the climate crisis, and we can't leave any community behind. Our health, our culture, and our economy depend on it.

We cannot wait another day to build back better for the working families of America. Let's start now.

Mr. RESCHENTHALER. Madam Speaker, I yield myself such time as I may consume.

One thing we need to address here also is the tax on natural gas. This will increase nearly everything everyday Americans buy.

We already know that there are projections that people will be paying more than ever this winter to heat their homes, almost a 50 percent increase in some places.

If you look at the fees in this bill, the taxes, a $900 methane fee phases into $1,500 in production per metric ton. That just sounds like numbers, but think about it. If we are taxing natural gas, we are taxing Americans who use natural gas to heat their homes. We are taxing the industries that use petrochemicals to manufacture everyday products that we use and manufacture here in the United States. And consumers end up paying that tax, as well.

We are also making it more expensive to manufacture here in the United States because as you tax natural gas, it costs more to manufacture goods here at home. Again, the American consumer will end up paying this tax.

These taxes on natural gas will do nothing more than make it harder for Americans to heat their homes. It will make it more expensive for us to manufacture products, to pay for petrochemicals. It will make it harder for us to actually rebuild the economy.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentleman from New York (Mr. JONES).

Mr. JONES. Madam Speaker, I am so proud to have played a leading role in securing high-quality, affordable childcare for every family in America in the Build Back Better Act.

This policy is personal for me. Growing up, I was raised by a single mom who had to work multiple jobs just to make ends meet. She got help raising me from my grandparents. My grandmother cleaned homes, and when daycare was too expensive, she had to take me to work with her.

Madam Speaker, no family in America, no child in America, should have to accompany their guardian to work because childcare is too expensive, certainly not in the richest nation in the history of the world. That is why we are investing nearly $400 billion in childcare and early learning programs to ensure that we solve this affordability crisis.

The childcare provisions will transform our childcare system and help bring unemployed parents back into the workforce without them being financially burdened.

For these reasons and so many more, I urge my colleagues to vote ''yes'' on this historic legislation.

Mr. RESCHENTHALER. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. CLYDE).

Mr. CLYDE. Madam Speaker, I thank the gentleman from Pennsylvania for yielding.

Madam Speaker, this monstrosity of a bill is the most progressive and expensive piece of legislation in our Nation's history. It will fundamentally alter the course of our great Nation by codifying the far left's dangerous policies, such as components of the Green New Deal, taxpayer-funded abortion, and the weaponization of the IRS.

In fulfilling the far left's wish list, this bankrupts America. And it does so, Madam Speaker, all while Americans are reeling from record-high rates of inflation that are crippling their pocketbooks, emptying shelves at the supermarket, and making gasoline prices skyrocket.

This compounded with the fact that the Biden administration refuses to address the myriad of crises plaguing Americans across the country, I am convinced that my counterparts on the other side of the aisle have no desire to set America up to succeed, nor are they interested in embracing the freedoms that we know and love, the very freedoms that serve as the foundational underpinnings of our great democracy.

No, this bill moves us not just one step toward socialism, it propels us into Big Government socialism. That is because this bill provides:

Universal preschool childcare from birth to the tune of nearly $400 billion, both of which are great opportunities for Washington-controlled curriculums and bureaucrats to indoctrinate our children in the most developmental of years.

$80 billion to double the size of the Internal Revenue Service, further weaponizing the agency and targeting hardworking American taxpayers. That should frighten every one of us.

$100 billion to establish a backdoor amnesty program that will give 5-year renewable visas to millions of individuals illegally residing in the United States.

The child tax credit to those who enter the United States illegally by dropping the current law requirement for a Social Security number.

$550 billion for the Green New Deal, including billions for a new climate green bank, environmental and climate justice grants, and the United States Postal Service to convert to an electric vehicle fleet.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RESCHENTHALER. Madam Speaker, I yield an additional 1 minute to the gentleman.

Mr. CLYDE. And $12.5 billion for tree equity and radical environmental justice initiatives.

That is right, this bill leaves us knocking on the door of Big Government socialism.

My constituents sent me to Washington, D.C., to protect and secure their freedoms and to put Americans first, not last, and I look forward to voting ''no'' on this travesty of a bill.

I encourage all of my colleagues to also vote ''no'' on this Big Government socialism bill.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentlewoman from New Mexico (Ms. STANSBURY).

Ms. STANSBURY. Madam Speaker, I want to take a moment this evening to dedicate my remarks to my dear friends Jon Baran, Caitie Padilla, and their beautiful daughter, Sophie.

This week, we celebrated the signing of the bipartisan infrastructure bill. Now, it is time to pass the other half of the President's agenda to ensure that our families and our communities can build a brighter, more just, more equitable, and more sustainable future.

As a proud daughter of New Mexico, I represent the strong, beautiful, resilient people of New Mexico's First Congressional District. Over the pandemic, we have used every ounce of our grit, our determination, and our heart to get by. Yet, so many families are still struggling.

That is why we must pass the Build Back Better Act and why it is a must-pass bill for New Mexico.

We must invest in healthcare and community well-being. We must invest in universal pre-K. We must invest in childcare and caring for our elders.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MCGOVERN. Madam Speaker, I yield an additional 30 seconds to the gentlewoman.

Ms. STANSBURY. Madam Speaker, we must invest in addressing global climate change because that is our charge. Our communities are counting on us, and that is why we must deliver this bill tonight.

□ 1845

Mr. RESCHENTHALER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I have heard a lot tonight about pharmaceuticals. This bill implements socialist price control

schemes for prescription drugs that will actually negatively impact seniors and negatively impact patients and those who have rare diseases in their families.

There seems to be a fundamental misunderstanding about this industry. On average, it costs $2.6 billion to take a drug to market. We, for whatever reason, focus on the cost per each dose. By the way, petrochemicals are used to make our pharmaceuticals, which this bill also taxes, as I said before. But there is a fundamental misunderstanding in how drugs are produced. If we get these socialist price controls in this bill, it will actually kill our innovation, or deincentivize any pharmaceutical company to actually reinvest and invest in new drugs and prescriptions, which will actually harm those with rare diseases and make it harder for those that are suffering from mental conditions to get the drugs they need.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, let's be clear. My friends are saying that putting a cap on the cost of insulin is somehow socialism or undercutting the United States of America.

Give me a break. Talk to parents whose children have diabetes and how they anguish over the costs and how they worry about how their children will be able to support the cost of their prescriptions once they become 26 and are no longer on their parents' healthcare.

So let's get real. This is a debate about values. We are on the side of capping the cost of insulin so that diabetes patients aren't gouged like they are now.

Madam Speaker, I yield 1 minute to the gentlewoman from Nevada (Ms. TITUS).

Ms. TITUS. Madam Speaker, Democrats know that genuine recovery from this pandemic means more than returning to the status quo ante.

Earlier this week, we made long overdue investments in our infrastructure. Now with the Build Back Better Act, we can expand healthcare coverage and lower costs. We can provide families with access to affordable childcare and universal preschool. We can reduce housing costs. We can cut taxes for working people while making the wealthiest pay their fair share; and we can make the grandest effort in American history towards combating climate change.

How we choose to invest our resources is a reflection of our values. The previous administration prioritized handing $2 trillion to billionaires and big corporations.

Let us instead invest in American workers and families and pass this Build Back Better Act now.

Mr. RESCHENTHALER. Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentlewoman from Pennsylvania (Ms. SCANLON), a distinguished member of the Committee on Rules.

Ms. SCANLON. Madam Speaker, for decades Congress has based economic policy on trickle-down economics, eviscerating America's middle class in the process. But today, we reject that approach. The Build Back Better Act invests in American families, not hedge funds, in ways that will benefit all of us.

I would mention two investments of particular importance to my district in Pennsylvania: Children and veterans.

This bill builds upon the American Rescue Plan that we passed in March to expand benefits for families and support for childcare. In doing so, it will reduce child poverty more and produce generational benefits to our country. The bill also makes long, overdue investments in the aging infrastructure of our Veterans Administration; including upgrading medical facilities and finally digitizing service records that are required for veterans and their families to obtain the benefits our Nation has promised to them.

With this bill, we can create real, sustained economic growth that benefits all Americans, and I am proud to support it.

Mr. RESCHENTHALER. Madam Speaker, I would just note that this bill does not include the Hyde amendment, which will allow taxpayer dollars to be used to fund on-demand abortions.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the distinguished gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Madam Speaker, in this season of giving, as we sit down to our Thanksgiving table, I hope the American people will know that we have handed them a gift over corporate greed that is insistent on raising the price of goods. We presented to them the Build Back Better Act.

And for those naysayers who want to talk about inflation, Mark Zandi said, ''The bills do not add to inflation pressures, as the policies help to lift long-term economic growth via stronger productivity and labor force growth,'' that is from one of the renowned economists in this Nation.

Madam Speaker, what I am fighting for is to make sure that Perla Rosalez in Texas has health insurance for the first time in decades. I remember that I cried when we were not able to give all of these uninsured persons insurance. We are giving them health insurance and we also—as chairwoman of the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations—are giving community violence dollars to stop the violence.

Madam Speaker, this is a bill we should pass. Support the Build Back Better bill for the American people.

Mr. RESCHENTHALER. Madam Speaker, while I have tremendous respect for my colleague from Texas, I do want to point out that according to Moody's Analytics, consumer prices will rise 2.24 percent higher after the Biden infrastructure and the American Rescue Plan and the Build Back Better spending spree then in a Biden-free economy.

Mr. MCGOVERN. Madam Speaker, I yield 1½ minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY. Madam Speaker, I thank my friend, Mr. MCGOVERN, for yielding.

Madam Speaker, when I served in local government, I helped to write and pass 14 consecutive budgets. If I learned one thing from that process, it is that budgets are statements of values. When Republicans last used the budget reconciliation process, it was to pass a $2 trillion tax giveaway to the wealthy. Before that, they used it to rip healthcare away from more than 20 million Americans. They stated their values loudly and clearly.

Well, here are our values in this bill. We value working Americans, and are using reconciliation to cut their taxes; not the rich. We value American children and parents, and are using reconciliation drastically to lower childcare costs, provide paid family leave, and guarantee access to preschool. We value the health and well-being of the American people, and are using reconciliation to expand access to vital health services, especially our seniors. And we value our environment, and are using reconciliation to make the single largest investment in the fight against climate change in history.

These are our values. This is how we build back a better America, not only for the rich and well-connected, but for all Americans.

Madam Speaker, I urge the passage of this important investment in our future.

Mr. RESCHENTHALER. Madam Speaker, I think it should be noted that this bill actually impedes and bans domestic energy and mineral production, which will actually increase our dependencies on resource suppliers, from OPEC, Russia, and China. I just think that should be noted.

Madam Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. CAMMACK), my good friend and colleague.

Mrs. CAMMACK. Madam Speaker, I thank my good friend from Pennsylvania (Mr. RESCHENTHALER) for yielding.

Madam Speaker, I am going to read a statement from one of my Democratic colleagues here today.

''Because of last-minute late-night changes to the latest version of the Build Back Better Act, two-thirds of millionaires would get a big tax cut for the next 5 years under the bill. That is one reason that I refuse to vote for the bill without time to review the changes made to it a little over a week ago. Now we know. The tax benefits to

these millionaires over 5 years could be 50 times as large as the benefit of the child tax credit for a typical low- or middle-income family. The bill spends more on tax breaks for millionaires than on childcare assistance, education, seniors, and even more than all of the healthcare provisions combined.''

This is from one of our Democratic colleagues. If one of our Democratic colleague is stating this, then we know that there is bipartisan opposition to this bill, a bill that we know is going to kill every single American's American Dream. This is a socialist nightmare that we can simply not afford.

One in 25 people in this country is here illegally, and this bill will create a pathway for amnesty and all of the social welfare programs that go with it. We cannot afford this. We cannot agree to bankrupt our children and our grandchildren because of a political agenda. It is unfair. It is not right. It is un-American. I urge all of my colleagues, consider your children, your grandchildren.

Madam Speaker, 10 years ago, I, myself, was homeless, and under this bill, had these programs been in place, I probably would have never been able to be standing here today because the American Dream is bankrupted under this bill.

Madam Speaker, I urge every single one of my colleagues, think with your hearts and your heads rather than the political agenda that you have been tasked with executing. Vote for the American people.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, you have to love these Republicans. They get up and talk about everything but what is in this Build Back Better bill. When all else fails, they get out and they bash immigrants again, blame immigrants for everything.

Having a tough time at work? Well, blame an immigrant.

Having a problem with your marriage? Well, blame immigrants.

But the bottom line is, they come to the floor and they tell us what they are against but they don't tell us what they are for. This bill includes an extension of the child tax credit, which has already reduced child poverty in this country by 30 percent. They are against that? We are for that.

This bill actually caps the cost of insulin to $35 a month. Talk to your constituents who have to rely on insulin to save the lives of their children. I mean, really? You are against that? We are for that.

We actually care about our children's future. That is why there is money in here to deal with the climate crisis; while my friends deny that there is even a climate crisis to be concerned about.

So give me a break. Give me a break. This is a statement of our values. This is what we are for. We don't hear what they are for. All we hear is what they are against.

Madam Speaker, I yield 1 minute to the gentleman from Florida (Mr. SOTO).

Mr. SOTO. Madam Speaker, headline: Democrats deliver for the American people again. Democrats deliver for Central Florida, again. Lowering prescription drug prices and capping costs for seniors. Extending child tax credit payments. Paid family leave and lower childcare costs for Central Florida families.

Providing nearly 1 million Floridians with an expansion of the ACA, boosting affordable housing, immigration reform, the largest effort to combat climate change in history.

And unlike the GOP tax scam that busted the deficit by $400 billion and $4 trillion in debt, we pay for ours with major corporations, and the wealthy paying their fair share.

Madam Speaker, the Republicans are doing nothing but divide. The Democrats are delivering for America.

Mr. RESCHENTHALER. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, with record high inflation and gas prices, supply chain shortages, and what is going to be the most expensive Thanksgiving on record, Democrats should focus on addressing real economic crises that are facing real Americans and real American workers every day. But instead, this bill before us would actually double lower- and middle-income earners chances of being audited. It would make it more expensive for them to heat their homes and fill their gas tanks, and it will actually drive businesses and jobs overseas; further damaging our economy.

Democrats are extending tax breaks in this bill, extending tax breaks for millionaires and billionaires and jamming through far-left radical policies that will only drive prices higher and make our paychecks lower.

If President Biden and congressional Democrats get their way, average Americans will be pinching pennies while our country's coastal elites will be legally evading taxes and getting tax subsidies and tax breaks to put another Tesla in their five-car garage.

Madam Speaker, for that reason, I urge my colleagues to vote ''no,'' and I yield back the balance of my time.

N O T I C E

Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

EC–2693. A letter from the Assistant General Counsel, Ethics and Appeals Division, Department of Housing and Urban Development, transmitting (23) twenty-three notifications of a nomination, designation of acting officer, action on nomination, vacancy, or discontinuation of service in acting role, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, Sec. 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Reform.

EC–2694. A letter from the Director, Office of Congressional and Intergovernmental Affairs, Export-Import Bank of the United States, transmitting one nomination, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, Sec. 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Reform.

EC–2695. A letter from the Senior Advisor, Department of Health and Human Services, transmitting one designation of acting officer, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, Sec. 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCGOVERN: Committee on Rules. House Resolution 803. Resolution providing for further consideration of the bill (H.R. 5376) to provide for reconciliation pursuant to title II of S. Con. Res. 14 (Rept. 117–175). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILLS

Pursuant to clause 2 of rule XII, the following actions were taken by the Speaker:

H.R. 3076. Referral to the Committees on Energy and Commerce and Ways and Means extended for a period ending not later than December 3, 2021.

H.R. 4374. Referral to the Committee on Energy and Commerce extended for a period ending not later than December 3, 2021.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KIM of New Jersey (for himself and Mr. MEIJER):

H.R. 6014. A bill to establish a commission to study the war in Afghanistan; to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LOIS FRANKEL of Florida (for herself, Mr. WILSON of South Carolina, Mr. DEUTCH, Mr. BILIRAKIS, Mr. MCGOVERN, Mr. SMITH of New Jersey, Mr. FITZPATRICK, Mr. RYAN, Mr. MANN, Mr. LOWENTHAL, Mr. SUOZZI, Mrs. CAMMACK, Mrs. TRAHAN, Mr. ELLZEY, Ms. SALAZAR, Mr. KHANNA, Mr. DIAZ-BALART, Mrs. MILLER-MEEKS, Ms. CASTOR of Florida, Mr. TRONE, Mr. COHEN, Mr. CARSON, Mr. VARGAS, Mr. GOTTHEIMER, Mrs. LURIA, Mrs. CAROLYN B. MALONEY of New York, Ms. NORTON, Mr. ROGERS of Kentucky, Ms. WILSON of Florida, Mr. SOTO, Ms. BONAMICI, Ms. MENG, and Mr. CICILLINE):

H.R. 6015. A bill to award a Congressional Gold Medal to Benjamin Berell Ferencz, in recognition of his service to the United States and international community during the post-World War II Nuremberg trials and lifelong advocacy for international criminal justice and rule of law; to the Committee on Financial Services, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COMER (for himself, Mr. CLOUD, Ms. HERRELL, Mr. KELLER, Mr. GOSAR, Mr. HIGGINS of Louisiana, Mr. CLYDE, Mr. GROTHMAN, Mr. FALLON, Mr. LATURNER, Mr. C. SCOTT FRANKLIN of Florida, Mr. HICE of Georgia, Mr. SMUCKER, Mr. GIBBS, Mr. SESSIONS, Ms. MACE, Mr. BOST, Mr. FEENSTRA, Mr. MCKINLEY, Mr. WEBER of Texas, Mr. NORMAN, Ms. FOXX, Mr. BIGGS, Mrs. MILLER of Illinois, Mrs. MILLER-MEEKS, Mr. WALBERG, Mr. JORDAN, Mr. DONALDS, Mr. WEBSTER of Florida, Mr. CRAWFORD, Mr. AMODEI, Mr. SMITH of Missouri, Mr. DUNCAN, Mr. ROSENDALE, Mr. WESTERMAN, Mr. SMITH of Nebraska, Mr. RUTHERFORD, Mrs. WALORSKI, Mr. PENCE, Mr. BURCHETT, Mrs. CAMMACK, Mr. CARTER of Georgia, Mr. STEUBE, Mrs. SPARTZ, Mr. BUDD, Mr. ROUZER, Mr. RESCHENTHALER, Mr. GUTHRIE, Mr. LUETKEMEYER, Mr. CLINE, Mr. WITTMAN, Ms. MALLIOTAKIS, Mr. GUEST, Mr. MCCLINTOCK, Mr. LAMALFA, and Mr. MAST):

H.R. 6016. A bill to prohibit executive agencies from requiring employees to receive a vaccination against infection by the SARS-CoV-2 virus under Federal contracts, and for other purposes; to the Committee on Oversight and Reform.

By Mr. BANKS (for himself, Mr. GOOD of Virginia, Mrs. CAMMACK, Mrs. MILLER of Illinois, Mr. DUNCAN, Mr. FALLON, Mr. ROUZER, Mr. MURPHY of North Carolina, Mr. BISHOP of North Carolina, Mr. JACKSON, Mr. ALLEN, Mr. BABIN, Mr. PERRY, Mr. POSEY, Mr. CAWTHORN, Mr. JOYCE of Pennsylvania, Mr. CLINE, Mr. WEBSTER of Florida, Mr. TIMMONS, Mr. MAST, Mr. ADERHOLT, Mr. PALAZZO, Mr. GUEST, and Mr. SMITH of New Jersey):

H.R. 6017. A bill to prohibit certain COVID-19 vaccination mandates for minors, and to require parental consent for COVID-19 vaccination of minors; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARR (for himself, Mr. WILLIAMS of Texas, Mr. ROY, Mr. STEIL, and Mr. POSEY):

H.R. 6018. A bill to allow amounts made available for the Continuum of Care program of the Secretary of Housing and Urban Development; to the Committee on Financial Services.

By Mr. BENTZ (for himself, Mrs. BOEBERT, Mr. NEWHOUSE, Mr. LAMALFA, Ms. HERRERA BEUTLER, Mrs. RODGERS of Washington, Mr. WESTERMAN, and Mr. FULCHER):

H.R. 6019. A bill to codify certain regulations issued by the United States Fish and Wildlife Service relating to critical habitat for the Northern Spotted Owl; to the Committee on Natural Resources.

By Mr. BERA (for himself and Mr. BUCSHON):

H.R. 6020. A bill to amend title XVIII of the Social Security Act to extend certain increases in payments for physicians' services under the Medicare program through 2022; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BOEBERT (for herself, Mr. DUNCAN, Mr. PERRY, Mr. NORMAN, Mr. TIFFANY, Mr. HARRIS, Mr. GOHMERT, Mr. WEBER of Texas, and Mr. BIGGS):

H.R. 6021. A bill to prohibit the payment of settlement agreements in certain cases, and for other purposes; to the Committee on the Judiciary.

By Mr. CARTER of Georgia (for himself, Mr. GROTHMAN, Mr. ALLEN, and Mr. BIGGS):

H.R. 6022. A bill to amend the Immigration and Nationality Act to increase the civil penalty for unlawfully entering the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COSTA (for himself and Mr. KATKO):

H.R. 6023. A bill to require the United States Postal Service to continue selling the Multinational Species Conservation Funds Semipostal Stamp until all remaining stamps are sold, and for other purposes; to the Committee on Oversight and Reform, and in addition to the Committees on Natural Resources, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COURTNEY (for himself and Mr. POCAN):

H.R. 6024. A bill to establish an Employee Ownership and Participation Initiative, and for other purposes; to the Committee on Education and Labor.

By Ms. DELAURO:

H.R. 6025. A bill to conduct or support further comprehensive research for the creation of a universal influenza vaccine or preventative; to the Committee on Energy and Commerce.

By Mrs. DINGELL (for herself and Mr. YOUNG):

H.R. 6026. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the introduction or delivery for introduction into interstate commerce of food packaging containing intentionally added PFAS, and for other purposes; to the Committee on Energy and Commerce.

By Ms. ESHOO (for herself and Ms. LOFGREN):

H.R. 6027. A bill to provide for individual rights relating to privacy of personal information, to establish privacy and security requirements for covered entities relating to personal information, and to establish an agency to be known as the Digital Privacy Agency to enforce such rights and requirements, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. FISCHBACH:

H.R. 6028. A bill to address the supply chain backlog in the freight network at United States ports, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Homeland Security, Agriculture, Natural Resources, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GONZALEZ of Ohio (for himself and Mr. GREEN of Texas):

H.R. 6029. A bill to require the Secretary of the Treasury to pursue more equitable treatment of Taiwan at the international financial institutions, and for other purposes; to the Committee on Financial Services.

By Mr. GOSAR:

H.R. 6030. A bill to protect the right to travel by common carrier, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. HINSON:

H.R. 6031. A bill to amend the Family and Medical Leave Act of 1993 to provide leave for the spontaneous loss of an unborn child, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Reform, House Administration, Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUFFMAN:

H.R. 6032. A bill to take certain Federal lands located in Siskiyou County, California, and Humboldt County, California, into trust for the benefit of the Karuk Tribe, and for other purposes; to the Committee on Natural Resources.

By Mr. JACKSON (for himself, Mr. ELLZEY, and Mr. WEBER of Texas):

H.R. 6033. A bill to require the President to certify to Congress that a member of the Quadrilateral Security Dialogue is not participating in quadrilateral cooperation between Australia, India, Japan, and the United States on security matters that are critical to United States strategic interests before imposing sanctions under section 231 of the Countering America's Adversaries Through Sanctions Act with respect to a transaction of that member; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, Oversight and Reform, the Judiciary, and Ways and Means, for a period to be subsequently

determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACOBS of California (for herself and Mr. KINZINGER):

H.R. 6034. A bill to amend the Diplomatic Security Act of 1986 to empower diplomats to pursue vital diplomatic goals and mitigate security risks at United States Government missions abroad, and for other purposes; to the Committee on Foreign Affairs.

By Mr. LAHOOD (for himself, Mr. RODNEY DAVIS of Illinois, Mrs. BUSTOS, Mr. CASTEN, Mr. BOST, Mr. QUIGLEY, Mr. KRISHNAMOORTHI, Ms. KELLY of Illinois, Mr. FOSTER, Mr. SCHNEIDER, Mr. RUSH, and Mr. KINZINGER):

H.R. 6035. A bill to amend the Consolidated Natural Resources Act of 2008 to extend the authorization of financial assistance with respect to the Abraham Lincoln National Heritage Area; to the Committee on Natural Resources.

By Mr. LAMB (for himself, Mr. FITZPATRICK, Ms. WILSON of Florida, and Mr. KATKO):

H.R. 6036. A bill to increase access to higher education by providing public transit grants; to the Committee on Transportation and Infrastructure.

By Mr. LUETKEMEYER (for himself, Mr. WILLIAMS of Texas, Mr. HAGEDORN, Mr. STAUBER, Mr. MEUSER, Ms. TENNEY, Mr. GARBARINO, Mrs. KIM of California, Ms. VAN DUYNE, Mr. DONALDS, Ms. SALAZAR, and Mr. FITZGERALD):

H.R. 6037. A bill to prohibit the Administrator of the Small Business Administration from directly making loans under the 7(a) loan program, and for other purposes; to the Committee on Small Business.

By Mr. LUETKEMEYER (for himself, Mrs. WAGNER, Mr. ZELDIN, Mr. BARR, Mr. TIMMONS, Mr. WILLIAMS of Texas, Mr. BUDD, Mr. EMMER, Mr. LOUDERMILK, Mr. DAVIDSON, Mr. KUSTOFF, Mr. HUIZENGA, Mr. STEIL, Mr. MOONEY, Mr. GOODEN of Texas, Mr. POSEY, and Mr. SESSIONS):

H.R. 6038. A bill to require Senate confirmation of Inspector General of the Bureau of Consumer Financial Protection, and for other purposes; to the Committee on Oversight and Reform, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MACE (for herself, Mr. WILSON of South Carolina, Mr. DUNCAN, Mr. TIMMONS, Mr. NORMAN, Mr. CLYBURN, and Mr. RICE of South Carolina):

H.R. 6039. A bill to designate the facility of the United States Postal Service located at 501 Charles Street in Beaufort, South Carolina, as the ''Harriet Tubman Post Office Building''; to the Committee on Oversight and Reform.

By Ms. MACE (for herself, Mr. WILSON of South Carolina, Mr. DUNCAN, Mr. TIMMONS, Mr. NORMAN, Mr. CLYBURN, and Mr. RICE of South Carolina):

H.R. 6040. A bill to designate the facility of the United States Postal Service located at 11 Robert Smalls Parkway Suite C, in Beaufort, South Carolina, as the ''Robert Smalls Post Office''; to the Committee on Oversight and Reform.

By Ms. MACE (for herself, Mr. WILSON of South Carolina, Mr. DUNCAN, Mr. TIMMONS, Mr. NORMAN, Mr. CLYBURN, and Mr. RICE of South Carolina):

H.R. 6041. A bill to designate the facility of the United States Postal Service located at 10 Bow Circle in Hilton Head Island, South Carolina, as the ''Charles E. Fraser Post Office Building''; to the Committee on Oversight and Reform.

By Ms. MACE (for herself, Mr. WILSON of South Carolina, Mr. DUNCAN, Mr. TIMMONS, Mr. NORMAN, Mr. CLYBURN, and Mr. RICE of South Carolina):

H.R. 6042. A bill to designate the facility of the United States Postal Service located at 213 William Hilton Parkway in Hilton Head Island, South Carolina, as the ''Casear H. Wright Jr. Post Office Building''; to the Committee on Oversight and Reform.

By Mr. MAST (for himself, Mrs. MILLER-MEEKS, and Mrs. RODGERS of Washington):

H.R. 6043. A bill to clarify and improve accountability for certain members of the Armed Forces during consideration by a medical evaluation board, and for other purposes; to the Committee on Armed Services.

By Ms. MENG (for herself, Ms. MALLIOTAKIS, Ms. JACKSON LEE, and Mrs. CAROLYN B. MALONEY of New York):

H.R. 6044. A bill to amend the Post-Katrina Emergency Management Reform Act of 2006 to extend the authorization of the Emergency Management Performance Grants Program through 2026; to the Committee on Transportation and Infrastructure.

By Mrs. MILLER-MEEKS:

H.R. 6045. A bill to amend the Internal Revenue Code of 1986 to provide for a tax credit for newspaper subscriptions; to the Committee on Ways and Means.

By Mr. ROUZER (for himself, Mr. PRICE of North Carolina, Mr. MURPHY of North Carolina, and Mr. BUTTERFIELD):

H.R. 6046. A bill to amend title 49, United States Code, to allow passenger ferry boats in non urbanized areas to qualify for certain grants; to the Committee on Transportation and Infrastructure.

By Mr. ROY (for himself, Mr. MASSIE, Mr. PERRY, Mr. ROSENDALE, Mrs. BOEBERT, Ms. STEFANIK, Mr. WEBER of Texas, and Mr. GOHMERT):

H.R. 6047. A bill to direct the Secretary of Health and Human Services to submit to Congress a report on COVID-19 natural immunity, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RUSH (for himself and Mr. BILIRAKIS):

H.R. 6048. A bill to prohibit the Secretary of Health and Human Services from taking certain actions with respect to the clinical labor price, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey:

H.R. 6049. A bill to amend the Internal Revenue Code of 1986 to modify the limitation on the deduction for State and local taxes, etc; to the Committee on Ways and Means.

By Mr. SMITH of Washington (for himself, Ms. NORTON, Mr. LYNCH, Mr. MOULTON, Ms. MENG, Mr. SUOZZI, Ms. BASS, Mrs. CAROLYN B. MALONEY of New York, and Ms. SCHAKOWSKY):

H.R. 6050. A bill to develop a pilot grant programs through the Environmental Protection Agency to research and collect data on aircraft and airport noise and emissions and to use such information and data to develop a mitigation strategy, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. TLAIB (for herself, Mr. GARCÍA of Illinois, Ms. OCASIO-CORTEZ, Ms. PRESSLEY, Ms. NORTON, Ms. VELÁZQUEZ, Mr. MFUME, Ms. JACKSON LEE, Mr. BOWMAN, Mr. POCAN, Mrs. CAROLYN B. MALONEY of New York, Ms. LEE of California, Mrs. DINGELL, and Ms. CLARKE of New York):

H.R. 6051. A bill to amend the Internal Revenue Code of 1986 to establish a refundable tax credit to increase the take-home pay of American workers and enhance their financial stability, and for other purposes; to the Committee on Ways and Means.

By Ms. UNDERWOOD (for herself and Mr. MCKINLEY):

H.R. 6052. A bill to require the Secretary of Veterans Affairs to require the employees of the Department of Veterans Affairs to receive training developed by the Inspector General of the Department on reporting wrongdoing to, responding to requests from, and cooperating with the Office of Inspector General, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. VELA:

H.R. 6053. A bill to amend the Equal Credit Opportunity Act to prohibit discrimination based on an applicant's institution of higher education, and for other purposes; to the Committee on Financial Services.

By Ms. VELÁZQUEZ (for herself, Mr. PERLMUTTER, and Ms. WATERS):

H.R. 6054. A bill to apply the Truth in Lending Act to small business financing, and for other purposes; to the Committee on Financial Services.

By Ms. WATERS (for herself, Ms. BASS, Ms. TLAIB, Ms. MCCOLLUM, Mr. DANNY K. DAVIS of Illinois, and Ms. GARCIA of Texas):

H.R. 6055. A bill to provide that chapter 1 of title 9 of the United States Code, relating to the enforcement of arbitration agreements, shall not apply to enrollment agreements made between students and certain institutions of higher education, and to prohibit limitations on the ability of students to pursue claims against certain institutions of higher education; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURCHETT:

H.J. Res. 66. A joint resolution proposing an amendment to the Constitution of the United States to limit the number of terms that a Member of Congress may serve; to the Committee on the Judiciary.

By Mr. WITTMAN (for himself, Mr. MCGOVERN, Ms. ROYBAL-ALLARD, and Mr. SIMPSON):

H. Con. Res. 62. Concurrent resolution expressing the sense of Congress that public health professionals should be commended for their dedication and service to the United States on Public Health Thank You Day, November 22, 2021; to the Committee on Energy and Commerce.

By Mr. BABIN:

H. Res. 804. A resolution to declare that space launch is a developmental activity, not a form of transportation, and that a process exists for investigating commercial space launch reentry activities; to the Committee on Science, Space, and Technology.

By Mr. BANKS (for himself, Mr. WILSON of South Carolina, Mr. MANN, Mr. STEUBE, Mr. MCKINLEY, Mr. GOHMERT, Mr. JACKSON, Mr. TIMMONS, Mr. GOOD of Virginia, Mr. RUTHERFORD, Ms. TENNEY, Mr. TIFFANY, Mr. BABIN, Mrs. MILLER-MEEKS, Mr. CARL, Mr. BUDD, Mr. CAWTHORN, Mr. WEBER of Texas, Mrs. HINSON, Mrs. MILLER of

Illinois, Mr. POSEY, Mr. NORMAN, Mr. BAIRD, Mr. CRAWFORD, Mr. FALLON, Mr. FITZGERALD, Mr. ROUZER, Ms. VAN DUYNE, Mr. GARCIA of California, Mr. CLINE, Mr. HUIZENGA, Mr. MURPHY of North Carolina, Mr. SMITH of New Jersey, Mr. ALLEN, Mrs. CAMMACK, Mr. MCCLINTOCK, Mr. KELLER, and Mr. MAST):

H. Res. 805. A resolution amending the Rules of the House of Representatives to require a witness who appears before any committee of the House of Representatives in a non-governmental capacity to disclose certain amounts received from the Federal government or a foreign government or certain foreign entities, and for other purposes; to the Committee on Rules.

By Mr. COHEN (for himself and Mr. WILSON of South Carolina):

H. Res. 806. A resolution expressing the sense of the House of Representatives that any attempt by the President of the Russian Federation Vladimir Putin to remain in office beyond May 7, 2024, shall warrant nonrecognition on the part of the United States; to the Committee on Foreign Affairs.

By Mr. COSTA (for himself, Mr. KEATING, Mr. MCGOVERN, Mr. CICILLINE, Mr. VALADAO, Mrs. TRAHAN, Mr. VARGAS, Mr. AUCHINCLOSS, and Mr. PETERS):

H. Res. 807. A resolution honoring the humanitarian work of Dr. Aristides de Sousa Mendes do Amaral e Abranches to save the lives of French Jews and other persons during the Holocaust; to the Committee on Foreign Affairs.

By Ms. CRAIG (for herself, Ms. MCCOLLUM, and Mrs. FISCHBACH):

H. Res. 808. A resolution designating November 17, 2021, as ''National Butter Day''; to the Committee on Oversight and Reform.

By Mr. DANNY K. DAVIS of Illinois:

H. Res. 809. A resolution supporting the designation of the third week of November, November 14 to November 20, 2021, as ''TED Awareness Week''; to the Committee on Energy and Commerce.

By Ms. DEGETTE (for herself, Mr. REED, Mr. RUIZ, Mr. KELLY of Pennsylvania, and Ms. DELBENE):

H. Res. 810. A resolution supporting the goals and ideals of American Diabetes Month; to the Committee on Energy and Commerce.

By Mr. EMMER:

H. Res. 811. A resolution expressing support for the designation of November 18, 2021, as ''National Rural Mental Health Day''; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANGEVIN (for himself, Mr. PERLMUTTER, Mr. CURTIS, and Ms. STEFANIK):

H. Res. 812. A resolution supporting a diplomatic boycott of the XXIV Olympic Winter Games and XIII Paralympic Winter Games in Beijing, and encouraging the International Olympic Committee to develop a framework for reprimanding or disqualifying host countries that are committing mass atrocities; to the Committee on Foreign Affairs.

By Ms. LEE of California (for herself, Miss GONZÁLEZ-COLÓN, Mr. MCGOVERN, Mr. FITZPATRICK, Ms. WILLIAMS of Georgia, Mr. CONNOLLY, Mrs. CAROLYN B. MALONEY of New York, Ms. PRESSLEY, Ms. MOORE of Wisconsin, Mrs. WATSON COLEMAN, Mr. CICILLINE, Mr. KHANNA, Mr. CLEAVER, Ms. SALAZAR, Ms. SÁNCHEZ, Ms. CHU, Ms. SEWELL, Mr. DEUTCH, Mr. COHEN, Mr. PRICE of North Carolina, Mr. BACON, Ms. BARRAGÁN, and Mr. GRIJALVA):

H. Res. 813. A resolution supporting the goals of World AIDS Day; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NEWMAN (for herself, Ms. WEXTON, Ms. JAYAPAL, Ms. SCHAKOWSKY, Ms. TLAIB, Mr. QUIGLEY, Ms. WILD, Mr. HIGGINS of New York, Mr. PAYNE, Mr. MOULTON, Mr. ESPAILLAT, Ms. JACOBS of California, Ms. NORTON, Ms. DEAN, Ms. PRESSLEY, Ms. BONAMICI, Mr. PALLONE, Mr. AUCHINCLOSS, Mr. DANNY K. DAVIS of Illinois, Mrs. CAROLYN B. MALONEY of New York, Mr. GRIJALVA, Mr. SWALWELL, Mr. CICILLINE, Mr. GOMEZ, Mr. CRIST, Mrs. WATSON COLEMAN, Ms. DAVIDS of Kansas, Mr. KHANNA, Ms. MENG, Mr. BOWMAN, Ms. LEGER FERNANDEZ, Mr. TAKANO, Mr. TORRES of New York, Mr. YARMUTH, Mr. POCAN, Mr. EVANS, Mr. PAPPAS, Mr. LARSON of Connecticut, Mr. NEGUSE, Ms. SÁNCHEZ, Ms. SCANLON, Mr. KAHELE, Mr. AGUILAR, Mr. TRONE, Mr. SEAN PATRICK MALONEY of New York, Mr. JONES, Mr. NADLER, Mr. GALLEGO, Mr. TONKO, Ms. WILLIAMS of Georgia, Mr. LYNCH, Mr. MALINOWSKI, Mr. KILDEE, Ms. LEE of California, Ms. DELBENE, Mr. WELCH, Ms. ADAMS, Mr. DOGGETT, Mr. LEVIN of Michigan, Mr. KEATING, Mr. GARCÍA of Illinois, Ms. CLARK of Massachusetts, Ms. MCCOLLUM, and Mr. CARSON):

H. Res. 814. A resolution supporting the goals and principles of Transgender Day of Remembrance of memorializing the lives lost this year to antitransgender violence; to the Committee on the Judiciary.

By Mr. O'HALLERAN (for himself, Mr. COLE, Mrs. AXNE, Mr. MCKINLEY, Mr. BOST, Mr. PAPPAS, Mrs. HINSON, Mr. BISHOP of Georgia, Ms. CRAIG, Mr. GRIJALVA, Ms. SEWELL, Mr. KELLER, Mr. PANETTA, Mr. MCHENRY, Mr. LAHOOD, Mrs. MURPHY of Florida, Mr. SMITH of Nebraska, Mr. FITZPATRICK, Mr. KINZINGER, Mr. NEWHOUSE, Mr. SCHRADER, Mr. CAWTHORN, Mr. LUCAS, Mr. BALDERSON, Mr. KIND, Mr. BUDD, Mr. CRAWFORD, Mr. MULLIN, Mr. BACON, Mr. JOYCE of Ohio, Mr. LUETKEMEYER, Mr. HERN, Mr. REED, Mr. MOONEY, Mr. VALADAO, Ms. CHENEY, Mr. DEFAZIO, Mrs. MILLER-MEEKS, Mr. THOMPSON of Pennsylvania, Mr. RICE of South Carolina, Mr. BERGMAN, Ms. SPANBERGER, Mrs. BICE of Oklahoma, Ms. SCHRIER, Mrs. BUSTOS, Ms. STEFANIK, Mr. CUELLAR, and Mr. DUNN):

H. Res. 815. A resolution supporting the goals and ideals of National Rural Health Day; to the Committee on Energy and Commerce.

By Miss RICE of New York (for herself, Mr. FITZPATRICK, Mr. JOHNSON of Ohio, Mr. CLEAVER, Ms. BONAMICI, Mr. MOULTON, Ms. NORTON, Mr. DAVID SCOTT of Georgia, Mrs. LAWRENCE, Ms. CRAIG, Mr. CROW, Mrs. AXNE, Mr. CÁRDENAS, Mr. TAKANO, Mr. PETERS, Mr. RYAN, Mr. CARSON, Mr. KILMER, Mr. NORCROSS, Mrs. HAYES, Mrs. CAROLYN B. MALONEY of New York, Ms. WILSON of Florida, Mr. BROWN of Maryland, and Mr. LANGEVIN):

H. Res. 816. A resolution supporting the designation of the week beginning November 15, 2021, as ''National Apprenticeship Week''; to the Committee on Education and Labor.

By Mr. SMITH of Washington (for himself, Mr. ADERHOLT, Mr. FITZPATRICK, Mr. COHEN, Mr. LANGEVIN, Ms. CRAIG, Ms. SCANLON, Mr. DANNY K. DAVIS of Illinois, Mr. POCAN, Mr. MCHENRY, Ms. BASS, Mrs. BEATTY, Mr. LOWENTHAL, Ms. BONAMICI, Mr. GROTHMAN, Mr. PERLMUTTER, Ms. BARRAGÁN, Mr. BACON, Mr. MOORE of Alabama, and Mr. MULLIN):

H. Res. 817. A resolution expressing support for the goals of National Adoption Month and National Adoption Day by promoting national awareness of adoption and the children waiting for adoption, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children; to the Committee on Education and Labor.

By Mr. STAUBER (for himself and Mr. BERGMAN):

H. Res. 818. A resolution expressing support for shipping on the Great Lakes and the potential for international container ship commerce; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Foreign Affairs, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. TENNEY (for herself, Mr. PERRY, and Mr. GUEST):

H. Res. 819. A resolution amending the Rules of the House of Representatives to establish a maximum time for certain record votes and quorum calls; to the Committee on Rules.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. KIM of New Jersey:

H.R. 6014.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

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By Ms. LOIS FRANKEL of Florida:

H.R. 6015.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

By Mr. COMER:

H.R. 6016.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 1 of the Constitution, in that the legislation provides for the common defense and general welfare of the United States; Article I, Section 8, clause 3 of the Constitution, in that the legislation regulates forms of commerce specified in that clause; and, Article I. Section 8, clause 18 of the Constitution, in that the legislation ''is necessary and proper for carryjng into Execution the foregoing Powers'' and ''other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.''

By Mr. BANKS:

H.R. 6017.

Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8
By Mr. BARR:
H.R. 6018.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8 of the United States Constitution.
By Mr. BENTZ:
H.R. 6019.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the United States Constitution: The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.
By Mr. BERA:
H.R. 6020.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the U.S. Constitution
By Mrs. BOEBERT:
H.R. 6021.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8: The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;
By Mr. CARTER of Georgia:
H.R. 6022.
Congress has the power to enact this legislation pursuant to the following:
Clause 4 of section 8 of article I of the Constitution provides Congress with the power ''to establish an uniform Rule of Naturalization . . .''
By Mr. COSTA:
H.R. 6023.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8 of the U.S. Constitution.
By Mr. COURTNEY:
H.R. 6024.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8
By Ms. DELAURO.
H.R. 6025.
Congress has the power to enact this legislation pursuant to the following:
Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.
By Mrs. DINGELL:
H.R. 6026.
Congress has the power to enact this legislation pursuant to the following:
The Constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution.
By Ms. ESHOO:
H.R. 6027.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8, clause 3 of the U.S. Constitution, which gives Congress the power ''to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.''
By Mrs. FISCHBACH:
H.R. 6028.
Congress has the power to enact this legislation pursuant to the following:
Article 1 Section 8
By Mr. GONZALEZ of Ohio:
H.R. 6029.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, clause 18 of the United States Constitution.
By Mr. GOSAR:
H.R. 6030.
Congress has the power to enact this legislation pursuant to the following:
Article I Section 8
By Mrs. HINSON:
H.R. 6031.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18
Article I, Section 8, Clause 1
By Mr. HUFFMAN:
H.R. 6082.
Congress has the power to enact this legislation pursuant to the following:
(I) To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes, as enumerated in Article I, Section 8, Clause 3 of the U.S. Constitution; and
(2) To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof, as enumerated in Article I, Section 8, Clause 18 of the U.S. Constitution
By Mr. JACKSON:
H.R. 6033.
Congress has the power to enact this legislation pursuant to the following:
Article I Section 8 of the United States Constitution
By Ms. JACOBS of California:
H.R. 6084.
Congress has the power to enact this legislation pursuant to the following:
Section 8 of Article I of the Constitution.
By Mr. LAHOOD:
H.R. 6035.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18: To make all Laws which shall be necessary and for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.
By Mr. LAMB:
H.R. 6036.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8, U.S. Constitution.
By Mr. LUETKEMEYER:
H.R. 6037.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 3
By Mr. LUETKEMEYER:
H.R. 6038.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8 of the U.S. Constitution: Congress shall have the power to make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.
By Ms. MACE:
H.R. 6039.
Congress has the power to enact this legislation pursuant to the following:
Clause 7 of Section 8 of Article I of the Constitution.
By Ms. MACE:
H.R. 6040.
Congress has the power to enact this legislation pursuant to the following:
Clause 7 of Section 8 of Article I of the Constitution.
By Ms. MACE:
H.R. 6041.
Congress has the power to enact this legislation pursuant to the following:
Clause 7 of Section 8 of Article I of the Constitution.
By Ms. MACE:
H.R. 6042.
Congress has the power to enact this legislation pursuant to the following:
Clause 7 of Section 8 of Article I of the Constitution.
By Mr. MAST:
H.R. 6043.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18 of the United States Constitution
By Ms. MENG:
H.R. 6044.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the United States Constitution.
By Mrs. MILLER-MEEKS:
H.R. 6045.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the United States Constitution
By Mr. ROUZER:
H.R. 6046.
Congress has the power to enact this legislation pursuant to the following:
Article I, section 8 of the Constitution of the United States
By Mr. ROY:
H.R. 6047.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8, Clause 18 of the United States Constitution—to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or any Department or Officer thereof.
By Mr. RUSH:
H.R. 6048.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8
By Mr. SMITH of New Jersey:
H.R. 6049.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 1 of the U.S. Constitution
By Mr. SMITH of Washington:
H.R. 6050.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8
By Ms. TLAIB:
H.R. 6051.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 1 of the Constitution.
By Ms. UNDERWOOD:
H.R. 6052.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8 of the U.S. Constitution.
By Mr. VELA:
H.R. 6053.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the United States Constitution
By Ms. VELÁZQUEZ:
H.R. 6054.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 1
The Congress shall have Power to . . . provide for the . . . general Welfare of the United States; . . .
By Ms. WATERS:
H.R. 6055.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, clause 1 of the U.S. Constitution and Article 1, Section 9, clause 7 of the U.S. Constitution.

By Mr. BURCHETT:

H.J. Res 66.

Congress has the power to enact this legislation pursuant to the following:

Article I Section VIII of the United States Constitution

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 55: Mr. LAMB.
H.R. 79: Mrs. FLETCHER.
H.R. 88: Mr. BERGMAN.
H.R. 119: Mr. HORSFORD and Ms. STANSBURY.
H.R. 151: Ms. CHU, Mr. LEVIN of Michigan, Mr. KILDEE, and Mr. SCOTT of Virginia.
H.R. 228: Mr. VALADAO and Mr. LEVIN of California.
H R. 255: Ms. PORTER.
H.R. 263: Mr. CÁRDENAS.
H.R. 392: Ms. NEWMAN and Ms. STANSBURY.
H.R. 521: Ms. SCHRIER.
H.R. 533: Mr. KILDEE.
H.R. 556: Ms. LEGER FERNANDEZ.
H.R. 598: Ms. WATERS.
H.R. 653: Mr. CORREA.
H.R. 729: Mr. THOMPSON of Mississippi, Mr. KRISHNAMOORTHI, Ms. LOFGREN, Ms. WASSERMAN SCHULTZ, Ms. KAPTUR, Mr. JEFFRIES, Mr. MCNERNEY, Mr. BROWN of Maryland, Ms. ROYBAL-ALLARD, Ms. WATERS, Mr. MCEACHIN, Mr. LIEU, Mr. KAHELE, Ms. DELBENE, Ms. KELLY of Illinois, Mrs. FLETCHER, Mr. SIRES, Mrs. NAPOLITANO, Ms. CASTOR of Florida, Mr. CASE, Mr. DAVID SCOTT of Georgia, Ms. ESCOBAR, Mr. SAN NICOLAS, Mr. ALLRED, Ms. STRICKLAND, Mr. VEASEY, Ms. OCASIO-CORTEZ, Mr. NEGUSE, and Mr. SOTO.
H.R. 748: Mr. BOWMAN.
H.R. 851: Ms. PRESSLEY.
H.R. 872: Mr. GOSAR.
H.R. 971: Ms. CHU, Mr. O'HALLERAN, and Ms. BOURDEAUX.
H.R. 1012: Mr. ADERHOLT and Mr. HARRIS.
H.R. 1185: Ms. SCANLON.
H.R. 1217: Mr. RODNEY DAVIS of Illinois.
H.R. 1235: Mr. CROW.
H.R. 1282: Mr. FEENSTRA.
H R. 1297: Mr. RUIZ and Mr. DANNY K. DAVIS of Illinois.
H.R. 1304: Mr. MANN.
H.R. 1346: Mrs. CAROLYN B. MALONEY of New York.
H.R. 1379: Ms. PORTER.
H.R. 1437: Ms. STANSBURY.
H.R. 1440: Mr. MEIJER.
H.R. 1474: Mr. CRIST and Mr. BURCHETT.
H.R. 1476: Mr. HIMES.
H.R. 1522: Mrs. FLETCHER.
H.R. 1548: Mr. HUFFMAN.
H.R. 1551: Mrs. FLETCHER.
H.R. 1569: Mr. NEGUSE.
H.R. 1696: Mr. LIEU and Ms. BROWNLEY.
H.R. 1755: Mr. KEATING.
H.R. 1772: Miss GONZÁLEZ-COLÓN.
H.R. 1785: Mr. SOTO.
H.R. 1786: Mr. BOWMAN.
H.R. 1789: Mr. GOHMERT.
H.R. 1803: Mr. AGUILAR.
H.R. 1911: Ms. MANNING, Mr. CÁRDENAS, Ms. CLARKE of New York, and Ms. STANSBURY.
H.R. 1945: Mr. MCCLINTOCK and Mr. SESSIONS.
H.R. 2007: Mr. CASTEN.
H.R. 2127: Mr. BURCHETT.
H.R. 2154: Mrs. HAYES.
H.R. 2192: Mr. GOLDEN, Mr. SWALWELL, and Mr. GARBARINO.
H.R. 2255: Mr. YARMUTH.
H.R. 2271: Mr. CASE.
H.R. 2337: Mr. CROW.
H.R. 2517: Ms. LEGER FERNANDEZ, Ms. STEFANIK, Mr. PENCE, and Ms. TLAIB.
H.R. 2578: Mrs. STEEL.
H.R. 2601: Mr. RUIZ.
H.R. 2654: Mrs. WATSON COLEMAN, Mrs. MURPHY of Florida, and Ms. LEGER FERNANDEZ.
H.R. 2729: Mr. WALBERG.
H.R. 2748: Ms. MATSUI, Mr. ESTES, Mr. WEBER of Texas, Mr. TAYLOR, Mr. CASTEN, Mr. SMITH of Washington, Ms. LEGER FERNANDEZ, Mr. NEHLS, Mr. SIMPSON, Mr. TONKO, Ms. SCHRIER, Mr. THOMPSON of California, Mr. PENCE, Mr. WEBSTER of Florida, Mr. CORREA, Mr. GRAVES of Louisiana, and Ms. BROWNLEY.
H.R. 2767: Mr. LIEU.
H.R. 2811: Ms. DELAURO, Mr. KILDEE, Mr. SCOTT of Virginia, and Mr. HORSFORD.
H.R. 2840: Ms. BLUNT ROCHESTER and Mr. HORSFORD.
H.R. 3014: Mr. BOST.
H.R. 3048: Ms. JACOBS of California.
H.R. 3088: Ms. HOULAHAN.
H.R. 3089: Mr. JOYCE of Ohio and Mr. KILDEE.
H.R. 3109: Mr. JOYCE of Pennsylvania.
H.R. 3115: Mr. EVANS and Mr. MCNERNEY.
H.R. 3271: Mr. COSTA.
H.R. 3294: Ms. MENG, Mr. MCNERNEY, Mr. RYAN, and Mr. DESAULNIER.
H.R. 3312: Mr. HUFFMAN.
H.R. 3337: Mr. GRIJALVA, Ms. JACOBS of California, and Mr. BISHOP of Georgia.
H.R. 3355: Ms. DELAURO, Mr. COOPER, Mr. JEFFRIES, and Mr. SABLAN.
H.R. 3427: Ms. SEWELL.
H.R. 3488: Mr. PANETTA and Mrs. FLETCHER.
H.R. 3517: Ms. CLARKE of New York.
H.R. 3525: Mr. HUFFMAN and Mr. COSTA.
H.R. 3531: Ms. MENG.
H.R. 3548: Mr. TAKANO and Ms. BONAMICI.
H.R. 3554: Mr. CASE.
H.R. 3574: Mr. DANNY K. DAVIS of Illinois.
H.R. 3577: Mr. LATURNER, Ms. CRAIG, Mr. BAIRD, and Mr. MURPHY of North Carolina.
H.R. 3630: Mr. GIMENEZ, Ms. Brown of Ohio, Mrs. RADEWAGEN, Mr. COURTNEY, Mr. ELLZEY, Ms. GRANGER, and Mr. LATURNER.
H.R. 3646: Ms. MENG.
H.R. 3710: Mr. JACOBS of New York.
H.R. 3836: Ms. CLARKE of New York.
H.R. 3860: Mr. FEENSTRA and Mr. ROUZER.
H.R. 3884: Ms. CHU.
H.R. 3967: Ms. LEGER FERNANDEZ.
H.R. 3982: Mr. HERN.
H.R. 4065: Mr. O'HALLERAN.
H.R. 4110: Ms. BROWNLEY.
H.R. 4114: Mr. BACON.
H.R. 4131: Mr. YARMUTH.
H.R. 4173: Mr. SAN NICOLAS and Ms. SÁNCHEZ.
H.R. 4310: Mr. YARMUTH.
H.R. 4385: Mrs. CAROLYN B. MALONEY of New York, Ms. BONAMICI, Mr. BLUMENAUER, Mr. SUOZZI, and Ms. BROWNLEY.
H.R. 4390: Mr. ROGERS of Kentucky and Ms. KUSTER.
H.R. 4412: Mr. YARMUTH.
H.R. 4429: Mrs. FLETCHER.
H.R. 4565: Ms. HERRERA BEUTLER.
H.R. 4624: Mr. GALLAGHER and Mr. VALADAO.
H.R. 4750: Mr. GARBARINO.
H.R. 4816: Mr. JOHNSON of Georgia.
H.R. 4853: Mr. GRIJALVA and Mr. CASTEN.
H.R. 4880: Mr. ELLZEY.
H.R. 4927: Mr. MOULTON.
H.R. 4928: Mr. MOULTON.
H.R. 4929: Mr. MOULTON.
H.R. 4934: Ms. GARCIA of Texas.
H.R. 4951: Miss RICE of New York.
H.R. 4954: Mr. POSEY, Ms. ROSS, Ms. MENG, and Mr. ESPAILLAT.
H.R. 4977: Mr. SWALWELL.
H.R. 4996: Mr. BERA, Mr. JOHNSON of Georgia, and Mr. HORSFORD.
H.R. 5015: Mr. JACOBS of New York.
H.R. 5023: Mr. MCKINLEY.
H.R. 5126: Mr. CRENSHAW.
H.R. 5141: Mr. LEVIN of California, Mr. VEASEY, Mr. HUFFMAN, Ms. VELÁZQUEZ, Mr. YARMUTH, Mr. TAKANO, Mr. CARTER of Louisiana, Ms. ADAMS, Mr. PRICE of North Carolina, and Ms. NORTON.
H.R. 5150: Mr. LEVIN of California and Ms. SALAZAR.
H.R. 5155: Mr. DANNY K. DAVIS of Illinois.
H.R. 5218: Mr. DOGGETT, Mrs. WATSON COLEMAN, and Ms. KUSTER.
H.R. 5224: Ms. SPANBERGER.
H.R. 5254: Mr. COLE.
H.R. 5274: Mr. VAN DREW.
H.R. 5338: Mr. BUCK.
H.R. 5344: Mr. MFUME and Mr. PAYNE.
H.R. 5402: Mrs. AXNE and Mr. MCKINLEY.
H.R. 5410: Ms. PORTER.
H.R. 5453: Mr. RUTHERFORD.
H.R. 5468: Mr. LEVIN of California and Mr. LAMALFA.
H.R. 5487: Mr. BACON, Ms. NORTON, and Mrs. HINSON.
H.R. 5505: Mr. RUPPERSBERGER.
H.R. 5515: Mr. JACKSON.
H.R. 5531: Ms. MENG.
H.R. 5541: Mr. FITZPATRICK.
H.R. 5543: Ms. BROWNLEY, Mr. DEUTCH, and Mr. SCOTT of Virginia.
H.R. 5546: Ms. NEWMAN and Mr. DESAULNIER.
H.R. 5554: Mrs. HAYES.
H.R. 5562: Mr. RYAN.
H.R. 5577: Mr. GARBARINO and Mr. C. SCOTT FRANKLIN of Florida.
H.R. 5578: Mr. QUIGLEY.
H.R. 5605: Mr. BOWMAN.
H.R. 5608: Mr. HUFFMAN.
H.R. 5633: Mr. SWALWELL.
H.R. 5658: Ms. SPANBERGER.
H.R. 5660: Mr. KELLER.
H.R. 5684: Ms. HOULAHAN, Ms. DEAN, Ms. MACE, and Mr. NADLER.
H.R. 5722: Mrs. AXNE.
H.R. 5731: Mr. MCCLINTOCK and Mr. LAMBORN.
H.R. 5735: Mr. MOORE of Utah and Mr. KELLY of Mississippi.
H.R. 5746: Mr. PALAZZO.
H.R. 5754: Mr. BROWN of Maryland and Ms. TLAIB.
H.R. 5776: Mr. LAMB and Mr. HORSFORD.
H.R. 5781: Mr. LEVIN of California, Mr. AGUILAR, and Ms. BROWNLEY.
H.R. 5801: Mr. SUOZZI and Ms. SPANBERGER.
H.R. 5809: Ms. BASS, Mr. SHERMAN, Mr. PETERS, and Mr. CARBAJAL.
H.R. 5811: Mr. ROGERS of Kentucky, Mr. MANN, and Mr. NEWHOUSE.
H.R. 5828: Mr. RASKIN.
H.R. 5854: Mr. C. SCOTT FRANKLIN of Florida and Mr. BUCSHON.
H.R. 5866: Ms. SÁNCHEZ and Mr. CRIST.
H.R. 5887: Mr. WESTERMAN.
H.R. 5892: Ms. TENNEY, Mr. CARTER of Texas, and Mr. CRENSHAW.
H.R. 5899: Mrs. MILLER-MEEKS.
H.R. 5905: Mr. THOMPSON of Mississippi, Mr. JOHNSON of Georgia, Mr. KHANNA, Ms. KUSTER, Ms. DEAN, and Mr. BISHOP of Georgia.
H.R. 5914: Mr. HUIZENGA.
H.R. 5927: Mrs. AXNE.
H.R. 5981: Mrs. BOEBERT, Mr. KELLER, Mr. CARBAJAL, and Mr. MANN.
H.R. 5994: Mr. MRVAN and Mr. CARBAJAL.
H.R. 5995: Mr. CAWTHORN, Mr. GUEST, Mr. GRAVES of Louisiana, and Mr. GARBARINO.
H.R. 6000: Ms. MANNING, Mr. FITZPATRICK, Mr. BROWN of Maryland, Mr. MCKINLEY, Mr. DESAULNIER, Mr. COLE, Mr. LANGEVIN, Mr. BUCHANAN, Mr. MFUME, Mr. REED, Mr. CUELLAR, Mr. KATKO, Ms. LOIS FRANKEL of Florida, Ms. HERRERA BEUTLER, Ms. JOHNSON

of Texas, Mr. YOUNG, Mr. BOWMAN, Mr. MICHAEL F. DOYLE of Pennsylvania, Ms. SCHRIER, Mr. SWALWELL, Ms. WILD, Mr. FORTENBERRY, Mr. BEYER, Ms. BARRAGÁN, Mrs. BEATTY, Ms. BLUNT ROCHESTER, Mr. CARTWRIGHT, Mr. CICILLINE, Ms. CLARKE of New York, Mr. COHEN, Mr. CONNOLLY, Mr. COOPER, Ms. KAPTUR, Mr. KILDEE, Mrs. TRAHAN, Mr. NADLER, Mr. NEGUSE, Mr. PERLMUTTER, Ms. SPEIER, Mr. THOMPSON of Mississippi, Ms. BASS, Mr. CARSON, Mr. CLEAVER, Mrs. DINGELL, Mr. EVANS, Mr. HORSFORD, Mr. JOHNSON of Georgia, Ms. KELLY of Illinois, Mr. KILMER, Ms. KUSTER, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. DEUTCH, and Mr. CÁRDENAS.

H.R. 6004: Mr. BISHOP of North Carolina and Mr. MEIJER.

H.R. 6006: Mr. BOST.

H.J. Res. 48: Ms. PORTER.

H.J. Res. 63: Ms. NORTON.

H.J. Res. 65: Mr. WALTZ, Mr. STEWART, Mr. FLEISCHMANN, Mr. ARRINGTON, Mr.DESJARLAIS, Mr. BENTZ, Mr. JORDAN, Mr. BUCK, Mr. GIMENEZ, Mr. DIAZ-BALART, Mr. FITZPATRICK, Mr. RODNEY DAVIS of Illinois, Mr. GREEN of Tennessee, Mr.PALAZZO, Mr. YOUNG, Mr. KELLY of Mississippi, Ms. SALAZAR, Mr. JACKSON, Mr. CRENSHAW, Mr. LAHOOD, Mr. ROGERS of Kentucky, Mr. MCCAUL, Mr. VAN DREW, Mr. NEHLS, and Mr. CAREY.

H. Con. Res. 21: Mr. GOHMERT.

H. Con. Res. 33: Mrs. MILLER of Illinois, Mr. AUSTIN SCOTT of Georgia, and Mr. HUIZENGA.

H. Con. Res. 45: Mr. MORELLE.

H. Res. 51: Ms. WILLIAMS of Georgia.

H. Res. 64: Ms. STANSBURY.

H. Res. 152: Ms. WILLIAMS of Georgia.

H. Res. 389: Mr. CLYDE.

H. Res. 517: Ms. SÁNCHEZ, Ms. LEGER FERNANDEZ, Mr. CROW, Mr. TONKO, Mr. GARCÍA of Illinois, Mr. TRONE, Mr. ESPAILLAT, Mr. SUOZZI, Mr. JOHNSON of Georgia, Mr. FOSTER, Mrs. TORRES of California, Mr. RUPPERSBERGER, Ms. LOIS FRANKEL of Florida, Mr. SIRES, Mr. BRENDAN F. BOYLE of Pennsylvania, and Mr. LARSON of Connecticut.

H. Res. 550: Ms. PRESSLEY and Mr. QUIGLEY.

H. Res. 588: Mr. BUTTERFIELD.

H. Res. 731: Mrs. AXNE.

H. Res. 735: Mr. CLYDE.

H. Res. 744: Mr. RODNEY DAVIS of Illinois, Ms. BROWNLEY, Ms. TITUS, andMr. MCGOVERN.

H. Res. 775: Mr. CASE.

H. Res. 790: Ms. BARRAGÁN, Mrs. AXNE, and Mr. BUTTERFIELD.

H. Res. 799: Mr. MCKINLEY, Mr. C. SCOTT FRANKLIN of Florida, Mr. CAWTHORN, Mr. STEUBE, and Mr. MOORE of Alabama.

H. Res. 802: Mrs. AXNE.

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PROCEEDINGS AND DEBATES OF THE 117th CONGRESS, FIRST SESSION

Vol. 167 WASHINGTON, THURSDAY, NOVEMBER 18, 2021 *No. 201*

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JACKY ROSEN, a Senator from the State of Nevada.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God our Father, we want to serve You as You desire. Lord, make us alert to the needs of those You seek to touch, providing us with opportunities to transform hurting people.

Use our lawmakers to do Your will on Earth as You empower them to be ambassadors of reconciliation. Lord, give them such winsome dispositions that they will bless even those who are hard of heart and withered in spirit. May our legislators comfort those who are brought low by sorrow and lift those who are bowed by life's burdens.

Lord, during this season of Thanksgiving, inspire each of us to be grateful every day.

We pray in Your precious Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 18, 2021.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACKY ROSEN, a Senator from the State of Nevada, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Ms. ROSEN thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

LEGISLATIVE SESSION

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2022—Motion to Proceed—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 4350, which the clerk will report.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 144, H.R. 4350, a bill to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. SCHUMER. Madam President, on NDAA, last night, the Senate began the process to debate, amend, and ultimately pass our annual Defense spending bill. With Republican cooperation, we can adopt the motion to proceed and begin voting on amendments early today.

Let me say it again. With Republican cooperation, we can adopt the motion to proceed and begin voting on amendments today. We should work together and complete this important bill before the Thanksgiving holiday.

Last night's vote was overwhelmingly bipartisan, so there is no reason we can't come to an agreement very soon to begin debating amendments.

And there is already one important amendment that I want to mention: repealing the 2002 Iraq AUMF. This bipartisan measure was reported out of the Senate Foreign Relations Committee earlier this year, and I said months ago that the Senate should hold a vote on it. The NDAA is a logical place to do so.

The Iraq war has been over for over a decade. An authorization passed in 2002 is no longer necessary for keeping Americans safe in 2021. It has been nearly 10 years since this particular authorization has been cited as a primary justification for a military operation, and there is a real danger to letting these legal authorities persist indefinitely. Repealing this AUMF will in no way hinder our national defense, nor will it impact our relationship with the people of Iraq.

I want to thank Chairman MENENDEZ, Senator KAINE, Senator YOUNG, and every Republican and Democratic cosponsor of the bill for working to bring this issue to the floor. And in the coming days, I hope we can come to an agreement on other commonsense amendments to strengthen the Defense bill so we can get it passed through the Senate as soon as possible.

BUILD BACK BETTER AGENDA

Madam President, on Build Back Better, now that President Biden has enacted his once-in-a-generation infrastructure bill, Democrats are taking the next steps toward passing the rest of his Build Back Better plan.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The last year and a half have been unlike any in modern U.S. history. We have had a once-in-a-century pandemic, followed by the worst economic crisis since the Great Depression.

We have come a long way this year as we have lifted our country out of the depths of these crises, but the challenges, of course, aren't over.

Americans right now want us to lower costs for things like healthcare, prescription drugs, childcare. We have a responsibility to pass legislation that will cut costs and improve American lives. That is why we need to keep working on passing Build Back Better. We know that passing this critical legislation will lower costs for some of the most basic and essential things in everyday life. And as economists from leading rating agencies said yesterday, Build Back Better will not add to the inflationary pressures in the U.S. economy.

The childcare provision could alone save families thousands of dollars each year. Families, on average, spend $10,000 annually on childcare for each child under 4. A generation ago, this was unheard of. Build Back Better will dramatically lower costs for millions of families by providing the largest investment in childcare in American history.

The same goes for prescription drugs. If you are one of the roughly 10 million Americans who relies on insulin to manage your diabetes, chances are you have been spending more and more as the cost of this once-affordable drug has skyrocketed. It is truly one of the perplexing and frustrating trends of the past two decades.

Well, Build Back Better will make it so Americans with diabetes don't pay more than $35 per month on insulin by enabling Medicare to directly negotiate prices in Part B and Part D—again, lowering costs, improving the lives of millions of families.

Examples go on and on of how people will have more money in their pocket given their expenses.

Build Back Better cuts taxes for parents raising kids. It makes pre-K universal for the first time ever. It will provide help for small businesses to invest within the United States and hire American workers.

And, ultimately, it is the best thing we can do to recapture that sunny American optimism that has been the key to our country's success. Creating jobs, lowering costs, fighting inflation, keeping more money in people's pockets—these are things Americans want and what Americans need, and it is what BBB does.

We are going to keep working on this important legislation until we get it done.

NOMINATION OF DILAWAR SYED

Madam President, now, on a much sadder note, Mr. Syed.

The Republican fixation on blocking qualified, uncontroversial, and essential nominees to fill roles in the Biden administration has hit a new and shameful low.

Yesterday, every single Republican on the Small Business Committee boycotted a hearing that would have held a vote on Dilawar Syed's nomination for the No. 2 spot at the Small Business Administration.

If confirmed, Mr. Syed would be the highest ranking Muslim American in government. This is the fifth time—the fifth time—that Republicans have failed to show up to a committee hearing for Mr. Syed.

To date—to date—we have yet heard a single legitimate reason for their opposition. At one point, some of my colleagues seemed to question Mr. Syed's allegiance because of his affiliation with a Muslim voter education group. That is repugnant, and after those objections provoked fierce criticism, Republicans came up with entirely new fabrications for their resistance.

But at no point have Republicans explained why Mr. Syed is not qualified for the job. Frankly, they can't because Mr. Syed is the definition of a qualified candidate. His nomination has been praised by hundreds of business groups, including the U.S. Chamber of Commerce, hardly a liberal crowd.

It is shameful; it is unacceptable; it is ridiculous for Republicans to keep stalling on Mr. Syed's nomination. He is eminently qualified to serve in the SBA.

Why are Senate Republicans opposing Mr. Syed's nomination? And let me ask this again because the question resonates. Why are Senate Republicans opposing Mr. Syed's nomination?

I ask my Republican colleagues to drop their resistance and allow this excellent and straightforward nominee to receive confirmation.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The minority leader is recognized.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. MCCONNELL. Well, at long last the Senate will officially turn to the NDAA. Every day, world events remind us that America faces serious rolling threats. In too many cases President Biden's decisions have actually made things worse, so our annual opportunity for the Senate to have its say is as important this year as it has ever been.

Over in Russia, Putin is preparing to escalate military hostilities along the border with Ukraine, and he is using Europe's reliance on natural gas to bully our friends. But President Biden actually removed obstacles to Putin's brandnew pipeline that will further extend his leverage and further enrich his cronies.

So I hope the Senate will consider an NDAA amendment to sanction this project and to provide additional lethal support to Ukraine. These initiatives have previously won bipartisan support, so I would hope Democrats would join Republicans in pushing back on Moscow.

China is flaunting major military innovations, like hypersonic weapons systems, stepping up airspace intrusions over Taiwan, and blaming America for their bad behavior. But while President Biden and our colleagues like to talk a good game about China, they have yet to really walk the walk. President Biden's budget request for our military and defense does not even keep pace with President Biden's inflation.

In addition, while Russia openly threatens its neighbors and China builds up its conventional and nuclear forces, there are reports that Democrats are considering unprecedented new constraints on America's own nuclear options through a ''no first use'' or ''sole purpose'' policy.

Our allies have strong concerns about this. I hope the Senate will use the NDAA process to demonstrate bipartisan support for finally modernizing our nuclear triad. That is the bedrock of deterrence and our strongest defense against these serious threats.

So, what about terrorism?

Following President Biden's Afghanistan disaster, we are facing new and growing threats there as well. The new Taliban government has made cabinet ministers out of terrorists whom the Obama-Biden administration let out of Guantanamo Bay. But the Biden-Harris administration still naively acted like these characters care one bit about international norms.

That is why Republicans have an amendment to ensure that none of the funding for Afghanistan aid can flow to the Taliban. It is an indictment of President Biden's policy that such an amendment is even necessary, but yet that is where we are.

In the Middle East, Iranian-backed terrorists are rampaging from Yemen to Iraq to Syria. They are emboldened as our deterrence has eroded. Given the multiple attacks on U.S. forces and facilities, we are fortunate more Americans haven't been killed. It may only be a matter of time before we see U.S. casualties at the hands of Iranian-backed terrorists.

However, in the wake of these growing threats, Democrats want to use the NDAA—a bill that should strengthen our national defense—as an occasion to weaken the authorities that support our military's presence and operational flexibility by repealing the 2002 AUMF. I expect a robust debate about that.

I am glad we will finally be able to have these debates and these votes. America needs a course correction, and the Senate needs to supply it.

THE ECONOMY

Madam President, on an entirely different matter, American families are

dealing with painful inflation every single day. They have been fighting this daily battle for months now.

A few months ago, a grandfather raising four grandkids in Missouri told reporters he had to cancel summer camp for his 8-year-old and his 6-year-old in order to keep affording diapers for their twin younger brothers.

One Maryland woman told the local news she had gone to the grocery store to buy meat for her family, but was turned away by the pricetag and had to leave with a $2 loaf of bread instead.

One man in Massachusetts, who cares for his elderly mother, told reporters that his 94-year-old mom needs the house kept warm, so they are getting absolutely crushed—crushed—by runaway heating costs. Here's what he had to say about it:

> Before, you'd go to the store, and if you had a $100, you could buy four bags of groceries and be happy. Now you are lucky to get a bag. Milk, orange juice, eggs. Plus the oil for the house, the water bills. It's just crazy. It's so much money. How is someone supposed to survive?

This persistent and painful inflation has been directly fueled by the reckless spending spree that Democrats rammed through in March. Even if Washington Democrats didn't inflict more new damage, economists still say ''we're going to see inflation get worse before it gets better.''

The Democratic leader said on March 12: ''I do not think the dangers of inflation, at least in the near-term, are very real.''

He was catastrophically wrong. And these same people want yet another multitrillion-dollar bite at the apple.

Look, American families know the spending part of Democrats' reckless tax-and-spending spree would spell disaster. Sixty-seven percent just told a survey that Washington should cut back on printing and spending because of inflation and rising costs.

And then there is the taxing part of their reckless taxing-and-spending spree. The bill that Democrats are writing behind closed doors would hike taxes on the American people by an estimated $1.5 trillion—a trillion and a half dollars in tax increases.

Democrats have already turned a strong economy into a shaky economy. Now they want to add the biggest tax hikes in a generation. A huge chunk of that is hundreds of billions of dollars for tax hikes on American industries and employers, because the Biden administration has become enamored with a global scheme where countries around the world supposedly all agree to hike their tax rates together.

This is an awful idea. Remember, in 2019, Republican policies had set up the best economy for working Americans in a generation. This is in large part because we just cut taxes substantially. We made America a more attractive place to do business.

So President Biden wants to do just the opposite of that: thrust America into some kind of global noncompete agreement. We are supposed to promise Europe and Asia that we won't make America an especially attractive place to bring jobs and prosperity.

Let me say that again. We are in the process of promising Europe and Asia that we won't make America an especially attractive place to bring jobs and prosperity.

Look, it gets worse. President Biden and Secretary Yellen want America to leap over the cliff first, tax the heck out of American industries while we just wait and see if our competitors actually follow suit.

Well, you better believe China would be just thrilled to see the Democrats' bill drain hundreds of billions of dollars out of our own private sector as a symbolic gesture to the rest of the world.

Democrats' tax policies are just like their energy policies. They won't build back better. They will build back Beijing. They won't build back better. They will build back Beijing.

This is just one part of a $1.5 trillion job-killing tax hike. There are all kinds of tax increases that would hit major employers, Main Street small businesses, and American families. Nonpartisan experts have confirmed the Democrats' bill would completely break the President's promise not to raise ''a single penny more,'' he said, in taxes on middle-class households.

They even want to send tens of billions in extra funding to the IRS so they can hire an army of new agents to snoop and audit their way across the country. But less than 3 percent of the huge IRS windfall would fund better customer service for taxpayers.

Finally, in the midst of all these tax hikes, Democrats from New York, New Jersey, and California have managed to include—listen to this—a massive tax cut for wealthy people who choose to reside in high-tax blue States. This bonanza for blue State millionaires and billionaires would cost almost $300 billion on its own.

Even the Washington Post could only marvel at the audacity of this. Here's their headline: ''The second-biggest program in the Democrats' spending plan gives billions to the rich.'' That is the Washington Post's assessment of it.

In fact, even though Democrats want to hike taxes by $1.5 trillion, their bill still manages to give a net tax cut to 89 percent of people making between $500,000 and $1 million, and 69 percent of households making over $1 million.

This bears repeating. Even though Democrats want to hike taxes by $1.5 trillion, their bill still manages to give a net tax cut to 89 percent of people making between $500,000 and $1 million, and 69 percent of households making over $1 million.

All of this is a huge blow to American competitiveness: job-killing tax hikes. But Democrats make sure to look out for the ultrawealthy out on the coasts. A supermajority of them get tax cuts. I am almost impressed our colleagues have found a way to be this out of touch.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. THUNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BORDER SECURITY

Mr. THUNE. Madam President, the Biden border crisis continues to rage. Last month, U.S. Customs and Border Protection encountered 164,303 individuals attempting to illegally cross our southern border. That is more than twice the number of encounters Customs and Border Protection had the previous October and the highest October number ever recorded by Customs and Border Protection. In all, more than 1.7 million migrants were apprehended attempting to cross our southern border in fiscal year 2021—the highest number ever.

We are in the midst of a very serious crisis, and the response from Democrats and the administration? Well, mostly crickets. Democrats seem to hope that ignoring the border situation will make it go away or at least ensure that no one pays attention. I am pretty sure the President and his administration spent more time earlier this year fighting against the use of the word ''crisis'' to describe the situation at the border than they did actually thinking about how they might deal with the influx. Apparently, the administration is still—still—trying to avoid the ''crisis'' label judging by a recent hearing wherein the President's nominee to head Customs and Border Protection seemed to carefully avoid referring to the situation at the border as a ''crisis.''

If the highest number of border encounters ever recorded isn't a crisis, I am not sure what is. The situation at our southern border is out of control. It is a security crisis, it is a manpower and enforcement crisis, and it is a humanitarian crisis—although, again, you would never guess it from the Democrats' behavior.

Despite the fact that this crisis has been raging for the best part of a year now, Democrats and the administration have taken essentially no meaningful action to address the situation, and that is not the worst of it. The Democrats' policies are actually making the situation worse.

Among other things, the President has significantly limited the ability of Immigration and Customs Enforcement and Customs and Border Protection to enforce immigration laws, and arrests in the interior of the country dropped steeply under this administration. The Washington Post recently reported:

> Immigration arrests in the interior of the United States fell in fiscal 2021 to the lowest level in more than a decade.

The practical effect of the President's immigration policies has been to encourage new waves of illegal immigration. It is hardly surprising. If you think that your chances of staying in the United States are good, even if you are here illegally, you are likely much more inclined to undertake the journey in the first place.

The administration's actions—or lack thereof—have been compounded by the actions of Democrats in Congress who have been doing their best to guarantee widespread amnesty. Democrats have repeatedly attempted to include some form of amnesty in their tax-and-spending spree. While they have been partially foiled by the rulings of the Senate Parliamentarian, the latest version of their bill still contains provisions to grant de facto amnesty to many illegal immigrants.

Their spending spree also deliberately lacks restrictions on Federal funding going to individuals in the country illegally, which means that illegal immigrants could end up receiving the $3,000-per-year child allowance, housing vouchers, and more. One analysis suggests that illegal immigrants could collect $10.5 billion in child allowance payments next year.

I haven't even mentioned reports that the Biden administration has apparently been contemplating settling lawsuits brought by individuals, who came here illegally, with payments of up to $450,000 per person—$450,000. That is right. That is more than four times as much as the government gives to the families of soldiers killed in action and nine times—nine times—as much as the government gives to an individual wrongly imprisoned for 1 year. The administration has suggested that payments will not actually be that high, but even a settlement half that size would dwarf the payments that we give to the families of fallen soldiers.

Immigrants have helped make this country what it is today, and I am a strong supporter of legal immigration, including temporary worker visas, like H–2B visas, which help South Dakota employers and many others address hiring challenges, but, again, immigration has to be legal. Encouraging illegal immigration, as the Democrats are doing, presents a serious security risk because it makes it easier for everyone from terrorists to drug traffickers to enter the country unidentified, to say nothing of drugs like fentanyl and other illegal items.

Encouraging illegal immigration through lax immigration enforcement and amnesty also undermines respect for the rule of law. The area of immigration should not be an exception to the principle that the law has to be followed and respected. Yet that is basically what Democrats' policies are saying—that the law doesn't matter when it comes to immigration.

Finally, we need to get away from any idea that there is anything compassionate about policies that encourage individuals to come here illegally. Attempting to enter the country illegally is fraught with danger, from natural perils like weather, disease, and exposure, to exploitation by smugglers and traffickers. Amnesty and lax enforcement policies encourage thousands more individuals and families to expose themselves to the dangers of an illegal border crossing.

President Biden and Democrats could help stem this crisis right now by making it clear that immigration law will be enforced and that the only acceptable way to enter the United States is to come here legally. Unfortunately, it seems much more likely that the President will continue to ignore this crisis and deemphasize immigration enforcement while Democrats in Congress will continue to push for amnesty. It is a serious failure of responsibility on the President's part and one that will continue to have serious and sometimes deadly consequences.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BOOKER). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE GETTYSBURG ADDRESS

Mr. DURBIN. Mr. President, it was 158 years ago tomorrow that Abraham Lincoln delivered what I believe was the greatest speech ever uttered by an American. He had been asked to say ''a few words'' at the dedication at the Soldiers' National Cemetery in Gettysburg, PA.

Four months had passed since the great armies of the North and South had clashed on that hallowed ground. They had fought for 3 days in the searing July heat. When the slaughter finally ended, the battlefield lay covered with the bodies of 50,000 dead and wounded soldiers and officers. It was the bloodiest battle in the hellish Civil War.

What good could come from butchery and sorrow? What great purpose had been worth such staggering loss? Those were the questions which Abraham Lincoln pondered on his train ride to answer in Gettysburg.

He spoke for less than 3 minutes—just 272 words. In those 3 minutes, he redefined the war as not a battle for territory or property, but for human dignity and human equality.

He gave us a profound, simple, new definition of democracy: ''Government of the people, by the people, and for the people.'' He said the fallen soldiers had done all they could do. They had given their ''last full measure of devotion'' to ensure democracy did not perish from this Earth.

Now, Lincoln said, it was left to us, the living, to ''advance their unfinished work''—in his words, to salvage from all of that death a new birth of freedom.

He said that our Civil War was testing ''whether a nation, conceived in liberty, and dedicated to the proposition that all men are created equal . . . can long endure.''

Can our democracy endure? It is a question that Lincoln pondered not just at Gettysburg but throughout his life.

Twenty-five years before Gettysburg, he had considered that question in a speech at the Young Men's Lyceum in Springfield, IL. He was a young lawyer and a newly elected State legislator, just 29 years old.

It was a challenging time in America, as it is today. Anxiety was high following a stock market panic the previous year. There was growing violence in America. Abolitionists were being killed by pro-slavery defenders. Blacks and others were being lynched with alarming frequency in the South. Lincoln feared that what he called ''the justice of the mob'' might replace the rule of law. Sound familiar?

In a time of such anxiety, he questioned whether people might elect a despot who would use his power to tear down the institutions of our democracy, rather than preserve them.

In his most famous passage, he warned that if American democracy were ever to perish, ''it must spring up amongst us; it cannot come from abroad. If destruction be our lot, we must ourselves be its author and finisher.''

I heard those words quoted by a thoughtful Member of the House of Representatives on the night of January 6, 2021, after the mob that attacked this Capitol had gone and Congress had returned to complete our duty to certify the electoral ballots and declare Joe Biden the President of the United States.

The weapons and military programs that we will debate in the coming days are important. They are essential to protect America. But weapons alone cannot save us if we don't understand what we are fighting to defend. There is only one sure way to preserve American democracy, Lincoln told us. We must know our history. We should study the Declaration of Independence and the Constitution, he said, as if they were a Bible, so that we revere the principles upon which our democracy is built.

Our democracy can't survive if we reject the great proposition for which so many died at Gettysburg: that all people are created equal. Our democracy cannot survive if we abide by the rule of law only when it suits us. And it will not endure if we see each other as enemies rather than as friends and citizens of one Nation that we all love.

We have seen a demonstration of that particular issue this week in the House of Representatives.

In his book, ''Lincoln at Gettysburg,'' Garry Wills wrote that ''Up to the Civil War, the United States was referred to as a plural noun. 'The United States are a free country.' After

Gettysburg, it became singular, 'The United States is a free country.'''

As it says above your head, Mr. President, ''e pluribus unum.''

As we look forward to celebrating our national holiday of Thanksgiving, perhaps we could try a little harder to hear the ''mystic chords of memory''—what a phrase—that unite us.

I think about that Gettysburg Address, and I was asked to give a speech about the Gettysburg Address at Gettysburg many years ago. I tried to set out whatever I had to say in 272 words. I think I did a fair job, but I would give myself a passing grade, at best. But it was a complete shock to my audience when I stopped at 272 words, and Lincoln said that a speech doesn't have to be eternal to be immortal.

In our lives as public servants, we are called on to speak very often. And I am reminded, time and again, the impact that Lincoln had with so few words, to capture the moment, to give people hope, and to craft phrases which still endure to this day as some of the most masterful uses of the English language one can imagine.

Tomorrow, I hope we can take a moment to recall our childhood education, when we were taught the Gettysburg Address and perhaps recite what we can of it. And I hope we will remember, even in these dark times, that we have faced harder times than this and we were delivered and this Nation endured.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. REED. Mr. President, I rise to discuss the fiscal year 2022 National Defense Authorization Act.

Over the coming days, the Senate will consider this bill, which the Armed Services Committee passed by a broad bipartisan margin of 23 to 3 in July.

I look forward to debating and improving this bill, as we all work toward ensuring our military has the right tools and capabilities to combat threats around the globe and keep Americans safe.

First, I would like to acknowledge Ranking Member INHOFE, whose leadership on this committee and this body has been invaluable. His commitment to our men and women in uniform is unwavering, and he was instrumental in helping to produce this bipartisan legislation.

As we debate the NDAA, we must keep in mind that the United States is engaged in a strategic competition with China and Russia. These near-peer rivals do not accept U.S. global leadership or the international norms that have helped keep the peace for the better part of a century.

This strategic competition is likely to intensify due to shifts in the military balance of power and diverging views of governance. And it is unfolding amidst climate change and the emergence of highly disruptive technologies.

The interconnected nature of these threats will drive how we transform our tools of national power to respond. The passage of the FY2022 NDAA will be a critical step in meeting the complex challenges before us.

Turning to the specifics of this year's Defense bill, the NDAA authorizes $740 billion for the Department of Defense and $27 billion for national security programs within the Department of Energy.

For the first time in years, this legislation, like the President's budget request, does not include a separate overseas contingency fund, or OCO, request. Any war-related costs are included in the base budget.

This bill contains a number of important provisions that I would like to highlight.

To begin, we have a duty to ensure that the United States can outcompete, deter, and prevail against near-peer rivals. The NDAA supports the Department of Defense in this endeavor by providing the resources needed by the combatant commanders to carry out the national defense strategy, or NDS.

Every 4 years, the Department reports the NDS to outline the national security objectives of the administration. The 2018 NDS provided a framework, and the DOD will release a new strategy in the coming months.

In this regard, this bill creates a commission on the national defense strategy for the forthcoming NDS in order to boost our military advantage. Last year, the Armed Service Committee created the Pacific Deterrence Initiative—or PDI—to better align DOD resources in support of military-to-military partnerships to address the challenges posed by China.

This year's bill extends and modifies the PDI and reiterates the committee's intent to improve our force posture in the Indo-Pacific, to increase readiness and presence, and to build the capabilities of our partners and allies to counter these threats.

Future investments under PDI should focus on military and nonmilitary infrastructure in the Indo-Pacific region. This will assist in distributed military operations, and it will be more effective in countering predatory Chinese infrastructure development practices.

The bill also requires the Secretary of Defense to provide recurring briefings on efforts to deter Chinese aggression and military coercion. It compels a briefing on the advisability and feasibility of increasing United States defense cooperation with Taiwan. It is important we help Taiwan improve its overall readiness and acquire asymmetric capabilities most likely to make the Chinese Government question their ability to take the island by force.

I want to emphasize, however, that our Nation's ability to deter China cannot be based on military might alone. We must strengthen our network of allies and partners, which will be essential to any strategy for the Indo-Pacific region. We must also ensure that, as we shift our focus to the Indo-Pacific, we do not lose sight of priorities in other areas, like Europe.

This year's bill authorizes the continuation of the European Deterrence Initiative—or the EDI—recognizing the continued need to invest in support for our European allies and partners as we work toward the shared goal of deterring Russian aggression, addressing strategic competition, and mitigating shared security concerns, the most recent one being the amassing of Russian troops on the border of Ukraine.

Turning to personnel, the key factor that makes the United States the greatest military power in the world is its people. We need to ensure that our uniformed personnel know every day how much we appreciate what they do and that we have their backs.

Congress has done a good job in providing benefits to the military and their families, and this year's Defense bill continues to do that. But our military is showing the strain of two decades of continuous deployments, and I am concerned that there has been a dangerous erosion of trust within the chain of command; and issues such as racism, extremism, sexual harassment, and sexual assault have been allowed to fester and create friction and division.

The Department of Defense is addressing those issues, but Congress must provide guidance and resources. To this end, the bill strengthens the All-Volunteer Force and improves the quality of life of the men and women of the total force: the Active Duty, the National Guard, and the Reserves; their families; and, importantly, the Department of Defense civilian employees, who contribute significantly to the effectiveness of our operations.

It reinforces the principles of a strong, diverse, inclusive force and that force cohesion requires a command climate that does not tolerate extremism or sexual assault misconduct or racism; and that quality healthcare is a fundamental necessity for servicemembers and their families.

Importantly, this NDAA includes the funding necessary to support a 2.7 percent pay raise for both military servicemembers and the DOD civilian workforce. We have also included a provision that would amend the Military Selective Service Act to require the registration of women for Selective Service. I am proud of this position, which passed the Armed Services Committee on a broad bipartisan basis.

Society, the military, and the nature of warfare itself have evolved significantly since the 1948 Military Selective Service Act passed. Back then, women were denied the opportunity to serve in

combat roles and key leadership positions, and entire technologies and platforms didn't even exist.

Today, all military occupations, including combat roles, are open to women, and military success depends heavily on servicemembers with advanced education and technical skills in STEM, cyber, medicine, languages, and more.

To be clear, I am hopeful that we will never have to draft again. If we do, however, it will be under circumstances so dire and existential that to voluntarily choose to enter the fight with anything less than our very best would be supremely foolish and potentially fatal. If we are going to have a Selective Service System, women must be a part of it. Basic equality and military readiness demand parity between the sexes to protect our country and uphold our values. In the meantime, it is time to end outdated sex discrimination and remove it from official policy and Federal law.

The bill also creates a new category of bereavement leave for military personnel that would permit servicemembers to take up to 2 weeks of leave in connection with the death of a spouse or a child. Similarly, in an effort to provide greater care and support to our military men and women, it increases parental leave to 12 weeks for all servicemembers for the birth, adoption, or foster care placement of a child. It establishes a basic needs allowance to ensure that all servicemembers can meet the basic needs of their families, and it requires parity and special and incentive pays for members of the Reserve and the active components.

In addition, I am proud that this bill makes historic changes to the military justice system to combat and discourage sexual assault and related misconduct within the military. Sexual assault is an unconscionable crime and a pervasive problem in the U.S. military and American society writ large.

When it comes to the military, one of the basic ethics is that one must protect your comrades and your subordinates; one cannot exploit them. Sexual assault and sexual harassment is an example of unconscionable exploitation, and it must be eliminated. We must take comprehensive action to halt sexual misconduct, hold offenders accountable, and support survivors. While the military has tried to stop sexual assault in the ranks, it simply hasn't been enough.

I commend President Biden, the Department of Defense, and the Independent Review Commission for their work on proposals, which we have considered during our markup and which are reflected in the bill. We will continue to work with the administration and the House to move toward enacting this momentous change.

Turning now to the areas of air, land, and sea power, with respect to our services, we have taken steps to improve their capabilities, their readiness, and their ability to fight and win.

This bill makes significant efforts to improve the readiness of the Navy and Marine Corps aircraft, ships, and weapons systems. It provides considerable investments in our next-generation Arleigh Burke-class destroyers, including an increase of $1.7 billion to restore a second guided missile destroyer to this year's budget and $125 million for long lead material for our destroyer in fiscal year 2023.

The bill authorizes $4.8 billion for the Columbia-class submarine program and for industrial-based development and expansion in support of the Virginia and Columbia shipbuilding programs, an increase of $130 million.

I was up at Quonset Point, RI, recently, where all submarines start their construction. Along with the Deputy Secretary of Defense, Secretary Hicks, we saw the progress that we are making to build two Virginia-class submarines a year and turning out the first Columbia-class ballistic missile ship to replace the Ohio class.

We are moving forward. And, frankly, many believe—as I do—that undersea strength is the best form of deterrence that we have. And as we deploy more submarines, we will have a greater ability to deter potential conflict.

This bill also increases the Landing Helicopter Assault replacement funding by $350 million and the Expeditionary Fast Transport vessel program by $270 million.

Growing our surface and undersea warfare capabilities will be vital to our success in the Indo-Pacific region, and this NDAA makes important progress in this area. It is consistent with our defense strategy of shifting our focus to the Pacific, which requires a shift of resources to the Navy and Marine Corps.

Similarly, the bill authorizes funding to strengthen naval aviation, including five additional F–35 fighter variants, one additional E–2D Hawkeye aircraft, two additional C–130J Hercules aircraft, an additional KC–130J tanker, two additional CH–53K helicopters, and two MQ–4C Triton unmanned aerial systems.

Now, with respect to the Air Force, the bill increases authorization funding by providing an additional F–35A fighter, five additional F–15 fighters, and extensions on the minimal capacity of several Air Force platforms.

With respect to the Army, I am pleased that the bill advances research and development in important future technologies and makes broad investments in generational Army modernization efforts and continues to upgrade significant enduring capabilities.

Our bill focuses on filling critical deficiencies and increasing investments in rapidly evolving demands. Further, it funds rapid development and fielding of land-based, long-range fires, including the precision strike missile, medium-range capability, and long-range hypersonic weapons.

It also provides funding for future long-range assault aircraft and future attack reconnaissance aircraft, increased funding for the future tactical unmanned aircraft system, and authorizes full funding for the AH–64 Apache attack helicopters and the UH–60 Black Hawk utility helicopters.

We are at a critical junction in a technological race with our near-peer competitors. We have enjoyed a technological lead over the last many decades. That lead is shrinking, and we have to not only develop the best of new technologies; we have to get them in the hands of our troops as quickly as possible. And that is what we are trying to do in this legislation.

Again, the issue is deterrence first, and what will help deter any conflict will be the realization of our adversaries that they are going up against the most sophisticated, technologically capable military in the world, manned by the most dedicated and skillful women and men in the world. That is what we are hoping to encourage.

Likewise, with respect to the Army, the bill supports the modernization of its ground combat vehicles, including the M1 Abrams tanks, Bradley Fighting Vehicles, Paladin self-propelled howitzer, tactical-type vehicles.

Having the platforms and the personnel is critical, but they have got to be ready to go, and we have taken great pride in trying to improve the readiness of our forces.

This NDAA authorizes more than $2.8 billion for additional military construction projects after funding other large projects in the budget request. This bill also includes a number of provisions that will help acquisition outcomes by strengthening the ability of DOD to analyze the defense industrial base, evaluate acquisition programs, and implement acquisition reform efforts.

It also streamlines processes to allow the Pentagon to invest in and incorporate advanced commercial technologies to support defense missions and strengthen DOD small business programs to allow partnerships with innovative, high-tech companies.

From post-World War II until very recently, we were really in an industrial age, and the United States led the world. We have now moved to a post-industrial age where the new technologies, the new innovations aren't coming out of government labs or the Bell Labs; they are coming out of small business; they are coming out of young people who have come up with great ideas.

And what we want to do and what we want to empower the Department of Defense to do is to be able to get those ideas, develop them, and incorporate them rapidly into our military forces.

That means we have to develop partnerships with small business and think in a different way. We have to think about a more entrepreneurial acquisition system rather than ''this is the way we have always done it and are going to keep doing it.''

We also have another area that we have to pay attention to, and that is

the area of the modernization of our nuclear triad. I recognize the concerns voiced by some of my colleagues about the cost of, and genuine disagreements about, our Nation's nuclear policy. From my perspective, nuclear deterrence is the bedrock of our national defense. For our nuclear deterrent to be credible and to ensure these weapons never need to be used, they must be capable and ready for use.

The deterrence that we have enjoyed for many, many decades has been gained by the acknowledgement by all other nuclear powers that we are more than capable to respond. Our allies and partners depend on the U.S. nuclear umbrella. That is one of the reasons why the proliferation which President Kennedy thought would be almost universal has not developed. And modernization of our strategic forces is necessary to ensure their dependability.

One thing I think everyone agrees on, and I think often gets lost in the discussion, is another factor: arms control and modernization of our nuclear forces are inherently linked together. We must reinvigorate our efforts on arms control so that we do not have a situation where the proliferation issue becomes more obvious and more dangerous. So even as we modernize, we should seek ways to promote strategic stability, like the extension of the New START agreement and follow-on talks to cover new strategic weapons and further reduce nuclear stockpiles. The best way to reduce nuclear weapons is through negotiated mutual arms reductions rather than unilateral actions. That has been the history of the Cold War, which with the Soviets and the United States we were able, with every Presidency, to come up with some type of agreement. Unfortunately, we took, I think, a less aggressive posture in the last administration, but we have to renew significantly our arms control efforts and make them clear that it is mutual interest of Russia but also China because China is a growing nuclear power with a very deliberate plan to increase significantly their nuclear arsenals.

We have to get a situation where there is at least a trilateral negotiation between the United States, China, and Russia for our own mutual benefit. And part of that is also not just looking at numbers but looking at the safeguards that each country places on the use of nuclear weapons.

We do not want a situation where there is an accidental launch that triggers a catastrophic response. We have much to do. But I will emphasize again that simply rebuilding our triad without rebuilding our diplomacy is not the best path forward.

What we have tried to do in this bill is to enhance deterrence through a number of factors, including recapitalizing the nuclear triad; ensuring the safety and security and reliability of our nuclear stockpile, our delivery systems, and our infrastructure; increasing capacity in theater and homeland missile defense; and strengthening nonproliferation programs.

We have—particularly our land-based missile systems—installations that were built in the 1960s. They are roughly 60 years old. They are showing wear and tear. And the delivery vehicles are also old. That is part of our modernization program. The Columbia class is the first of our new ballistic missile submarines. We have to replace the Ohio class because, frankly, that fleet will literally wear out. They won't be capable to go to sea at some point in the future. And that is why we are beginning right now. We are also looking at a new, sophisticated armor that will complement the other two legs of the triad.

And because this involves the Department of Energy and the National Nuclear Security Administration, we authorized $20 billion for this effort. We have funded the Department of Energy's other defense activities at $920 million and its nuclear energy activities at $149.8 million. This is all part of having an effective deterrence.

Now, as we have seen, our adversaries are developing other capabilities at an alarming rate. With regard to hypersonics, it is especially clear that China is working to develop capabilities that evade current missile defense capabilities possessed by the United States and our allies. To address these threats, the bill authorizes the Missile Defense Agency to develop a highly reliable missile defense interceptor for the Ground-Based Midcourse Defense System. It also authorizes the procurement of the Iron Dome short-range rocket defense system, David's Sling Weapon System, and Arrow 3 Upper Tier Interceptor Program to support our closest ally in the Middle East, Israel.

There was a barrage emanating from Israel's neighbors of approximately 4,500 missiles over the last year. And Iron Dome, which was created by the Israeli Government, knocked down a significant number of those missiles protecting the State of Israel. So this is not an academic exercise; this is supporting a close ally.

And it is also clear, as I mentioned before, China is expanding its nuclear weapons stockpile at a faster rate than we have seen from any other nation. It appears that China is seeking to at least reach parity with the United States and Russia in its efforts to become a world-class military. To respond to this and other countries' proliferation efforts, the NDAA authorizes $239.84 million for Cooperative Threat Reduction Programs to stop the proliferation of nuclear, chemical, and biological threats around the world.

If you take those three aspects—improving our military capability, invigorating our diplomacy, and actively using Cooperative Threat Reduction—to lower the ability and capability of those that have nuclear weapons, that is the best path ahead.

Now, we have understood over the last several years that what is causing a great deal of destruction in this world in every aspect is technology, including cyber space activities. And we, again, are trying to hone and invigorate our technological innovation in this area.

Innovation has long given us the strongest economy and military in the world. But it must be nurtured and maintained through careful investments and strong leadership in both the public and private sectors.

I believe we have an advantage because we have such a great educational system, a great entrepreneurial system, the creativity and talent of the American people, but we have to focus on needs for our military and national priorities.

And our top priority for Congress must be maintaining strong investments in technology areas that we know will shape future conflicts. This year's NDAA includes multiple provisions to accelerate the modernization of the Department of Defense by investing in research and development of cutting-edge technologies and delivering them in a timely manner to the force. Specifically, it authorizes an increase of more than $1 billion for science and technology programs that fund cutting-edge research and prototyping activities at universities, small businesses, defense labs, and industry, including in critical areas such as artificial intelligence, microelectronics, advanced materials, 5G, and biotechnology.

The bill also authorizes an increase of more than $500 million in funding for DARPA, the Defense Advanced Projects Agency. DARPA has been conducting high-risk, high-payoff research for years, including such areas as quantum computing and assisting with universities to accelerate their research. Importantly, the implements a number of recommendations from the National Security Commission on Artificial Intelligence, which the Armed Services Committee established in a previous NDAA. The $500 million of funding for DARPA will be extremely critical to the future and will produce, I think, some breakthrough technologies that not only DOD will use but will become commercial products for our national economy.

And recognizing, again, the competition between the United States and China on certain militarily-relevant technologies, the bill strengthens the language of the CHIPS Act to ensure the national network for microelectronics research and development to support the development of world-leading domestic microelectronics technology and manufacturing capabilities.

Now, I mentioned one of our problems is that we are moving from an industrial age, in which we were the dominant power in every dimension, to a new post-industrial age, where technological innovation has been distributed. Other countries, because of the

nature of cyber and other technologies, are beginning to catch up with it and, in some cases, pass us. Often, and especially in the Department of Defense, one of our problems has been procurement and acquisition practices. The Department's approach has been convoluted, poorly communicated, and burdened with inertia that makes partnering with private industry far too difficult. As America confronts threats around the globe that are evolving at unprecedented speeds, we must find a better way to identify our defense needs, communicate them, and deliver them in a timely manner.

There are several areas that, if transformed, could allow DOD to more effectively do this. The fiscal year 2022 NDAA makes important progress by establishing an independent commission to review and assess the planning, programming, budgeting, and execution—or PPBE—process and identify areas for reform.

The PPBE process has, for many decades, since the 1960s, given DOD leaders a way to evaluate the resources they need and to deliver them to the troops. However, as I mention consistently, it is a bit of a relic of the industrial age.

It came in 1961 under Secretary of Defense Robert McNamara, the former chief executive of the Ford Company. And at that time, it was the most sophisticated way to manage resources and do research, but that was the height of the industrial age.

We are now in a situation much different. So we need to modernize the procurement system and the acquisition system that we have in place. We have to make it more rapid, more agile, more capable of absorbing new products and getting them into the hands of the troops.

So in addition to establishing this independent review commission, the NDAA requires the DOD Comptroller, along with the DOD's Chief Information Officer and the Chief Data Officer, to submit a plan to consolidate the IT systems used to manage data and support the PPBE process.

One of the things we have discovered is there is no really integrated data plan in the Department of Defense—the largest Federal entity. There are multiple different brands of software systems, different brand of hardware. Some can talk to others, some can't. There is no successful company today that has such a, shall we say, slightly immature information processing system, and we have got to change it.

Similarly, management transformation is badly needed with the Department. As I said, it is one of the largest bureaucracies in the world, and the Government Accountability Office has put the Pentagon's approach to business management on its high-risk list, citing its vulnerability to waste, fraud, and abuse, inability to pass a financial audit, and a culture that remains resistant to change. To spur transformation, this NDAA requires the Secretary of Defense to improve Pentagon management by leveraging best practices and expertise from commercial industry, public administration, and business schools.

I am confident these steps will allow us to leverage the best of American ingenuity and market talent that drives innovation. At the end of the day, we should think about management as a defense capability like any other. We hope we are opening up a new day of more efficient and sophisticated management, more integrated communication, and doing it in a way that will produce results that will get the best technology into the hands of our fighting men and women.

One factor that we all are aware of every day is the challenge of cyber security. The cyber domain impacts everything we do, so there is absolutely no surprise that it has impacted the Defense Department and its industrial base. We need to ensure that our industrial base has improved cyber security, that they are not the back door through which our adversaries will use to enter and gain access to even more critical elements of our national security. As the recent SolarWinds, Microsoft Exchange Server, and Colonial Pipeline breaches painfully illustrated, traditional ''perimeter-based'' cyber defenses are simply inadequate to deal with sophisticated threats. Our adversaries are clearly advantaged in cyber domain and are likely to succeed in penetrating static defenses. Therefore, this NDAA requires the development of a joint ''zero trust'' cyber security strategy and a model architecture for the Department of Defense information network. It also authorizes an increase of $268.4 million across DOD to support cyber security efforts.

We all recognize that cyber is a persistent threat to everything we do. As one very thoughtful gentleman said years ago at a function I was at, ''Breakthrough technology like cyber has two effects. It makes good things better and bad things worse.'' And that is exactly what we are witnessing every day. So we have to exploit the good things and get them into our system and be much more vigilant at protecting us from the bad things.

Similarly, as the COVID crisis has made clear, we need a coordinated industrial policy to ensure that we have a robust, secure, and reliable technology and industrial base, especially in critical and emerging technology.

We need to give the DOD the tools and expertise to understand its supply chain and its physical security challenges, its financial challenges, and influence from commercial market trends. To that end, this bill directs the Comptroller General to conduct a comprehensive assessment of research, development, test, and evaluation authorities and other similar authorities and brief Congress on its findings.

The pandemic has shown many interesting things. Many companies and suppliers to our defense thought their products were coming from the United States, only to discover that critical components came from elsewhere and sometimes countries that were not particularly friendly to us. So we have to look seriously at our supply chain.

Finally, while I spent most of my time speaking about future challenges and how we prepare the Department of Defense to face them, we cannot lose sight of the events surrounding our withdrawal from Afghanistan.

After nearly 20 years of war, enormous sacrifice by American and coalition military, diplomatic, and intelligence personnel and vast U.S. investment, the Afghan state has failed, and the Taliban has taken control.

The Armed Services Committee has undertaken a series of hearings seeking to understand the collapse of the Afghan National Defense and Security Forces. While there is temptation to close the book on Afghanistan and simply move on to long-term strategic competition with China and Russia, we must learn the lessons of the last two decades to ensure that our future counterterrorism efforts in Afghanistan or anyplace else continue to hold violent extremists at bay.

The top-line defense number in this bill, together with the allocations set by Chairman LEAHY for defense and nondefense funding across the 12 appropriations bills, provides a realistic balance for funding the military and the rest of the Federal Government.

Once we have completed work on this important authorization bill, we need to complete the appropriations process. It would be a tremendous mistake and harmful for our national security, our economic prosperity, and our public health to resort to a continuing resolution to fund the government for an extensive period.

I have calculated, roughly, that if we go into a yearlong continuing resolution, the Department of Defense will lose $36 billion, and the consequences of that would be staggering, particularly at this moment where we face challenges across the globe.

We have near-peer competition with Russia and China, dangerous developments in East Africa, and situations across the board where we need to be ready to go looking at the threats, not looking internally at how we are going to pay to keep the lights on.

Again, to avoid this self-inflicted damage, we have to pass a budget, as well as this authorization bill.

Let me conclude by once again thanking Ranking Member INHOFE and my colleagues on the committee for working thoughtfully on a bipartisan basis to develop this important piece of legislation.

I would also like to thank the staff who worked tirelessly on this bill throughout the year—and tirelessly is an understatement. While we were leaving after our last vote, they were staying hours later to get this bill in shape to pass and then to begin our dialogue with the House. It is the staff of both sides. I salute my Republican

colleagues' staffers and my staffers for their job.

I look forward to a thoughtful debate on the issues as we go forward.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SCHATZ). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized for such time as I shall consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. First of all, this is a big deal, what we are embarking on now. It is something that—people understand it is the most important thing we do around here.

Let me just say that my partner JACK REED and I have been doing this a long time. I have often said how fortunate I am. You know, we hear all year out there in the real world about how everybody hates everybody in Washington; we want to compete with each other. But, you know, every year when we do the NDAA—that means the National Defense Authorization Act—it is the biggest and the most important bill of the year. Even though people think it is all happening inside this 2- or 3-day period, it is not. It is something that goes on all year long, and we have gotten to know each other very well. We know there are some areas where we have differences, but very rarely do we have differences that would impair our mission, and our mission is the most important mission that we have year-round.

So I appreciate very much Chairman REED, what he has been doing along with me, what we have done together. The NDAA has a long history of bipartisanship, and Senator REED and I have worked together to get this bill through the committee with an overwhelming, bipartisan, 23-to-3 vote to bring it to the floor. That is where we are today. That is something you don't hear about in Washington, that you can pass something out of a committee by a vote of 23 to 3, but we did, and we did it because this is a bill that is done by the Members.

The world is getting more dangerous by the day. We know that is the case. One notable example is what is happening now at the Ukraine border. Just weeks after conducting its largest military exercise in 40 years, Russia came dancing in, advancing a huge military buildup on the border. In fact, the Defense Minister from Ukraine was in my office this morning and was talking about all the things that are going on there.

According to the image that we have by satellite, we are seeing tanks, we are seeing missiles, and we are seeing artillery. Here is why I am really concerned: We are seeing even military ambulances. Why would Putin be putting in military ambulances if he was not expecting casualties? The answer is, he wouldn't. So we have an idea what is going to happen.

In addition to this equipment, the experts are reporting that 90,000 Russian combat troops are amassed along Ukraine's border. These troops are in a more threatening posture than they have ever been before. They are in the south and in the north. They are knocking on the door of Kyiv. All that is going on right now.

It might sound crazy that Russia would want to deploy so many forces now in November to a region where the winters are brutally cold, but there is something not many people really think about; that is, frozen ground is easier to move around heavy equipment like tanks and artillery.

I am not the only one who is sounding the alarm on this. Earlier this year, Senator ROUNDS and Congressman TRENT KELLY and I visited Romania, which, like Ukraine, sits on the frontlines of Russian aggression. At that time, Romanian military officials warned us that Russia was moving from a defensive to an offensive posture in the Black Sea. We are seeing that now. Everything we have predicted is happening now, and that assessment of the shift was actually right.

Putin is capitalizing on what he perceives as U.S. weakness. He knows that our NATO allies are disturbed by the catastrophe in Afghanistan and that many of the European nations fear that the United States is no longer interested in trans-Atlantic security.

The President shouldn't have done what he did, and we all—I think most Americans know that. It was a disaster, the way he put this thing together in Afghanistan, and now we know where we are on this. It is tempting to say that we have seen this before, but I don't think we have just like this.

So this is about Americans, NATO, the credibility and the capability, and that is why the NDAA is so important every year but especially this year. But, first, let's be frank: Russia is far from our only threat. In 2008—this is a document that a lot of people have looked at and thought, why didn't we do this before? This was back, I think, in—what was it? About 5 years ago, it was put together. We had what we considered to be the top six Democrats and the top six Republicans on defense, and they put this book together. It is a very brief book, but we have been—this has been our Bible. We have been doing this now for a long time, and the things that we were predicting at that time are actually becoming a reality.

It tells us for the first time—and this is significant. People don't understand this. For the first time, we have two major adversaries at the same time. This hasn't happened before. And, you know, we are talking about Russia. Yes, that is significant, and you have heard me say this before—the Chinese Communist Party has been investing heavily in modernizing its military. Over the last two decades, their military spending has gone up 450 percent—just in the last two decades. Now, we are not doing that over here.

You know, I have to say—and everyone realizes this—these communist countries have a great advantage. They can move and move quickly, and they don't seem to have any limitations. Now, we are seeing the results of that investment. They have tested hypersonic missiles that we don't even have anymore. I have to say that again. Hypersonic missiles are something they have and they are using. They have tested. We have seen it. We don't even have it, and we don't have any counter to that. They are leapfrogging us in other critical areas, like artificial intelligence, and they are rapidly expanding their nuclear arsenal and infrastructure.

These investments in military capability are done with real purpose. They are a threat to Taiwan and other allies in the Indo-Pacific. Ambassador Bikhim Hsiao was in my office this morning—Ambassador from Taiwan—and we were looking at things that are going on there, just like we are looking at from the Russian area.

But the threat China poses to our own interests can't be overstated or underestimated.

Meanwhile, North Korea—so it is not just those two countries. North Korea is out there. Iran is out there. They are also continuing their threatening behavior. North Korea is conducting missile tests of its own, and Iran continues to back proxies striking at U.S. troops and our interests—most recently, we have seen in Syria.

The terrorist threat in Afghanistan is also resurging thanks to the disastrous drawdown that continues to undermine U.S. credibility. We know that ISIS-K and al-Qaida have the desire and intent to strike our homeland. This is something that a lot of people don't understand. A lot of people don't believe the threat that is out there. Now we know when they will be able to strike us, and it is closer than you think. As soon as 6 months from now, the Senate Armed Services Committee was told just last month this could happen.

So I don't say this to be dramatic. This is a reality, plain and simple. The world is more dangerous than it has ever been in my lifetime—by the way, people have reminded me over and over again yesterday and today, since it was my birthday, how long that lifetime has been—and we have seen a lot, but we haven't seen anything like this before.

National security needs to be the top priority. Without a strong military defending our way of life, nothing else matters. We can talk about other things, but it doesn't really matter if we can't do that.

Since World War II, we have ensured peace through the world by projecting strength. Our military should and must serve as a strong deterrent to our adversaries, and they have to know that they can't beat us. Some people are questioning that, but they have to know that they can't beat us, and we have to show them that they can't. Yet we are fully aware that they have things we don't have. They have technology we don't have. This is something we haven't dealt with before.

President Biden's inadequate defense budget request, the irresponsible drawdown in Afghanistan—something he shouldn't have done; the administration should not have done—and the lack of commitment to shared nuclear security are calling that into question. It is evidence that we aren't prioritizing national defense, and we already have seen what happens when we don't prioritize national defense. We see upticks in destabilizing, threatening behavior—exactly what Putin is doing right now. Just imagine what would happen if Putin and Xi thought they stood a chance to beat us if we didn't turn things around, and that could happen.

It is a reality today that people don't understand and should understand. Americans take for granted the idea that our military is the best. You know, when I go back to not just my State of Oklahoma but all around the country, people assume that.

You know, I am old enough to remember what was happening at the tail end of World War II. We learned a lesson. We learned to be prepared, and for a long period of time, we had the best of everything. We had the best modern equipment, all of this, and that isn't the case today. Americans take for granted that we have the best of everything, but we don't. It is just not true anymore.

Don't just take my word for it, you know, just take it from me; a couple of weeks ago, our Nation's No. 2 military adviser, General Hyten—no one disagreed—I don't know of anyone who would actually argue with General Hyten. He was explaining how China is on pace to surpass us if we don't do something to change what is going on today. That is General Hyten. I don't know a more knowledgeable person anywhere in America or elsewhere.

We can meet these challenges. We can put our country back on the right track. That is going to take real investment and real strategy. Congress has a very important role to play here. We pass the National Defense Authorization Act and Defense appropriations each year, and every year, we give our military what it needs to set this thing right.

Now, I am proud to say that this year's NDAA goes a long ways to making our country more secure. I am not saying it is perfect, but it is very good and a necessary start. And that is what this is all about now. It is what we are going to be passing—I am talking about tomorrow or the next day—and going into this long process that includes both the House and the Senate.

So let's start with one of the biggest ways to strengthen our national defense: authorizing an additional $25 billion in funding for the Department of Defense. This is just a floor for defense spending.

Now, it is important that we understand this President has not been a good President in terms of building the national defense. He just isn't. You know, his budget request shortchanged our national defense. In fact, if you put his budget numbers in terms of defense and nondefense, the amount that goes to nondefense averages about a 16-percent increase, and the amount that goes to defense is a 1.6-percent increase. Now, that is the President's budget. It is not my budget. It is not our budget. It hasn't passed, but nonetheless, that gives you an idea of where we are right now. The emphasis is not on defense. It should be, and it is not.

President Biden's budget request shortchanged the national defense. It didn't even keep pace with out-of-control inflation. Inflation right now—the figure is above the 1.6 percent, and that is where we are today. It actually cut funding for our military even as we face the growing threats that I mentioned. And we are talking about the—compared to the inflation thing that is happening right now. So I am glad the Armed Services Committee almost unanimously adopted my amendment to increase the Department of Defense's budget top line. This is the bare minimum of what we need to meet the threats that we face. This is what underscores everything we do.

The bill also makes sure this money is spent the right way. As we have for the past few years, we are using the 2018 national defense strategy—that is this book I referenced just a minute ago—as kind of our roadmap, and we are using this for that.

The NDAA focuses on the Indo-Pacific, which is our priority theater, by emphasizing investment in the region through the Pacific Deterrence Initiative, the PDI, which we started in last year's bill.

The way this works is we are—it is continuing as time goes by. We have a bill, and the bill is activated, usually in December, but then we are already into the next year. So while this seems—people say: You are only talking about one bill a year. It doesn't really work out that way.

It strengthens our supply chain so we are not reliant upon China, but we are doing that right now. It addresses the threats posed from information warfare, and it deters the foreign malign influence. It also stands strong against Russia.

Perhaps most importantly, it provides critical lethal aid to Ukraine, and we know that these things are working. While radios and cold-weather gear are needed, they won't deter Putin's strategy and his ambitions. Weapons like the Javelin anti-tank missiles, on the other hand, remind him that invading and annexing Kyiv will have real and concrete costs.

We know Russia and China are expanding their nuclear arsenals. Our nuclear stockpile serves as the cornerstone for our deterrent, so we have to keep it safe, secure, and effective. That is why the NDAA supports the nuclear modernization our military commanders say is their top priority.

It provides support for our allies and partners around the world. Unfortunately, our allies and partners are questioning our commitment right now after what happened in Afghanistan, and they are feeling like they were being told and not consulted. They didn't even know—that withdrawal that should not have taken place but did take place in Afghanistan is one that they were not even aware of.

It provides the reassurance of American credibility that they desperately need to rebuild and cement those relationships. With strong allies and partners around the world, we will ensure the balance of power in our favor, but we are not there yet.

When it comes to hard power, this bill makes serious investments in equipment we need to fight and win wars now—growing our naval fleet, expanding next-generation fighter capability, and providing for the largest investment in military construction in a decade.

It looks to the future too. We know that we need to accelerate innovation and develop the technology that is going to help defeat whatever our enemies might throw our way. Yet, in many of these emerging technologies, we risk falling behind. In some cases, we already have fallen behind. It is kind of hard for us to accept that in America, as we went through several decades—I think since the Second World War—not falling behind, but we have now. So this year's NDAA invests in defense technology that would put us back ahead of our competitors. That is our goal. Things like microelectronics, artificial intelligence, hypersonic weapons, 5G—these are the areas that we are working on to get back in the driver's seat. We have fallen behind. It is hard to say that, that America is falling behind.

You know, General Hyten said recently something that I really think is important for everyone to hear. He said that we must ''focus on speed and reinserting speed back in the process of the Pentagon . . . and that means taking risk, and that means learning from failures, and that means failing fast and moving fast.''

I have to say that General Hyten is certainly one of the greatest warriors of our time. We should be listening to him.

We have serious problems. We have to get policies and authorities in place to let the Pentagon move quickly and, as General Hyten put it, ''fail fast.'' As he retires this week, I think it is clear

why he is a national hero. He knows what is going on.

Now, too much is hampered by bureaucracy at the Pentagon. The NDAA encourages the Pentagon to move faster, to take risks, and to jumpstart the innovation that we need to succeed, but we have to realize the impact.

This is really the most important thing this bill does. We take care of our troops. People talk all the time about how much we spend on military. I hear a lot of people around who don't think we need a strong military. A lot of them talk about why we spend more on our military than Russia and China put together.

Yes, that is true; but we have costs that others don't have. Communist countries don't have the cost of taking care of their people. In fact, the most important thing we do is take care of our troops. Even though China and Russia are building up and modernizing their militaries, they don't take care of their people—they don't claim to take care of their people—and we do. The most expensive thing we do in our military is to take care of our military. We take care of the schools and the people who are out there taking the risk.

This bill takes care of our troops in so many ways. It improves their healthcare. It provides education and childcare for their children, and makes sure their spouses can have meaningful employment as they move from area to area. It is a unique problem that our spouses do have, as they are moving around the country.

And so, again, we are competing with China and Russia and other countries, and none of them have this problem. This is the greatest expense that we do. Our servicemembers represent the very best in the country. If they do have to go into harm's way, it is our responsibility that they are the best prepared, best equipped, and the best led forces in the battlefield, and the bill does that.

But we don't want them to go to war. We want to prevent those wars from happening. As I said earlier, the best way we do that is by projecting strength, sending a message to our adversaries that there is no chance that they can beat us.

The NDAA is the major way that we send that message. And that is why the NDAA—the National Defense Authorization Act, the most significant bill of the year—has been enacted into law every year for the past 60 years. This will be the 61st year.

So we are going to get it passed, but it almost never comes up this late in the year. This is the disadvantage we are working from, but it always gets done eventually. We still have a lot of work left to do after this and not a lot of time to do it.

You know, we can't afford late starts. If you do late starts, sometimes it ends up being just down to four people. Both my partner and I have been in this situation where we have been down to what they call the big four, making all these decisions ourselves. That is not what we are supposed to be doing. That is not what we want to do. But that is why the NDAA has been enacted into law every year for 60 years.

We built this bill around Member requests. This is unique. This is something people need to understand. We are getting our requests from the Members that are serving with us here in the Senate. We are going to have an open amendment process. We are going to have an open amendment process, and this is what we have committed ourselves to do, to make sure we are doing. So you will get another chance to mark up this bill.

So what we are doing right now is very important. You got to keep in mind, it is going to be done by the House; it is going to be done by the Senate. It is going to be something that is the most significant thing that is happening this year. But we could never work too hard or too long for our troops and national defense.

I know some of my colleagues are concerned about one provision we've got—that we have in this bill at this time, which was added in markup and included in the House bill too. Now, I oppose the addition of this provision, which changes the military draft—what the military draft does. And I want you to hear this because, if enacted, it would expand the draft so that it is not just about finding combat replacements to serve on the frontlines; it also requires women to register for the Selective Service, not just men.

I've always said, as a product of the draft myself, I know what the draft is. I was there and I served. I have always said that I understand that and I think the draft is essential. It changed my life, certainly. But I am strongly opposed to drafting our daughters and our granddaughters. So this is going to be coming up. We are going to be talking about this. Everything is going to be out in the open. Get ready for that fight, because that fight is coming, OK?

That is why I submitted an amendment to strike this provision from the underlying bill, and I will work to get it out of any conference report as well, OK?

Last week, we marked Veterans Day, and that should be a reminder to all of us why we do this. In fact, we have got 2.2 million reasons to do this—2.2 million future veterans—our volunteer force, who put their lives in harm's way and who rely on this bill getting done. And that doesn't even include their families, who are sacrificing so much. So that's out there, we know, and that is going to happen.

I know my colleagues understand this. I know they understand our responsibility to our troops and to the American people. And so I look forward to our debate on this bill, and then passing it in the traditional, bipartisan way, as we always do; and, together, we are going to fulfill our constitutional duty and meet these challenges that we face, and we have little time to waste in doing this.

So this is the most significant bill of the year. That is what we are going to do. We are going to get it done. And let's go do it right, OK?

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I am pleased that the Senate has taken up the National Defense Authorization Act.

There is a 60-year tradition in this body of getting this bill done because the importance of this bill transcends partisanship. In fact, 81 Senators of both parties joined forces earlier this year to override a senseless veto of this important bill by the former President.

Now, while both sides of the aisle can work cooperatively to get this defense policy done, we are now seeing unprecedented—unprecedented—obstruction by the minority party for passing a budget that will fund the programs that our military and our veterans need.

Now, look, if Republicans succeed in this obstruction, I am going to tell you that the government will be forced to go to a full-year continuing resolution. That is not workable. The result will be frozen spending levels for the Department of Defense and for the Department of Veterans Affairs, which amounts to a $70 billion cut in spending for those two Agencies alone, compared to the appropriations bills prepared in the U.S. Senate.

I serve as chairman of the Senate Veterans' Affairs Committee, and let me tell you what is at stake for America's veterans and their families. Funding will be blocked for priorities like expanding veterans' access to lifesaving mental healthcare services, enhancing women veterans' healthcare, providing housing assistance, and expediting the delivery of benefits and care for those suffering from toxic exposure.

Let me say this again.

If we go to a 1-year continuing resolution, that means we go off of last year's budget, last year's spending bill. We will block priorities like expanding access to mental health services for our veterans. We will block services for expanding women veterans' healthcare. We will block services for housing assistance and for expediting what is one of the most serious issues coming out of the conflict of 20 years in the Middle East, and that is care for those that are suffering from toxic exposure.

The bottom line is this would keep the VA from properly addressing a whole host of issues on behalf of those who would put their lives on the line for this country, and they are going to continue to pay the price for us not doing our job.

As chairman of the Defense Appropriations Subcommittee, I was able to draft a bill that provided a $31 billion increase for defense compared to last year. This military bill is consistent with the spending levels approved by

the bill we are working on today. In fact, in an amendment offered by Senator INHOFE, that amendment passed 25 to 1, which will plus-up this bill.

So why isn't the defense appropriations bill flying through this Senate just like the NDAA?

Well, I will tell you. In September, the Republicans on the Appropriations Committee announced they would vote against all appropriations bills in part because Senator INHOFE's bill doesn't increase defense with enough spending. So the idea here is, just take money and throw it at the wall and hope that it's spent right.

The bottom line is there needs to be plans and there needs to be planning. And I am going to tell you, the last time I checked, the $31 billion increase is a pretty good chunk of dough.

So it is simple. Do we want to fund the VA? Do we want to fund the military? Do we want to fund this country's government?

Or do we want to go back to last year's funding? Which, by the way, would be totally inadequate, but it is what some on the other side of the aisle are advocating right now.

Look, guys, we are in a continuing resolution right now. It expires on December 3. If, in fact, we had a budget deal today, we couldn't get an omnibus out for nearly 5 weeks.

So what I am saying is this: no more finger pointing, no more changing the rules of the game, no more foot dragging. Do what the gang of 10 did on the bipartisan infrastructure package. Let's go into negotiations to get to yes. Let's all work together. Let's not play irresponsible political games with our military and with our veterans and with everybody else who lives in this country.

What are we here for? Are we here to advocate for this country? Or are we here to advocate for a political party?

I am telling you the appropriations bills should have been done last September. We should be sitting at the table today. I am ready to roll up my sleeves and help in any way that I possibly can to make sure these bills get through this body and to the President's desk so we can fund our veterans and fund the needs that they have, so we can fund our military and deal with the threats that are facing us around the world.

It is time, folks. It is time to quit talking, and it is time to start doing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, my fellow Senators: On November 4 of this year, I introduced an amendment to this year's national defense bill. This amendment focuses on the Office of Net Assessment. That office is within the Pentagon.

The Office of Net Assessment's purpose is to produce an annual net assessment, which is a long-term look at our military capabilities and those of our greatest adversaries.

In 2019, when I began to look at Stefan Halper's contracting work for the Office of Net Assessment, something didn't look right. So I asked the inspector general to look into it.

For those who are unaware, Halper was a central figure in the debunked Russia collusion investigation. And I don't have to explain the Russia collusion investigation; everybody in the U.S. Senate knows something about that and they know what it refers to.

Halper secretly, at that time, recorded Trump campaign officials during Crossfire Hurricane.

Halper also received over 1 million taxpayer dollars from the Office of Net Assessment for several research projects. But the question is: Were they really research projects?

But the inspector general found some problems with his contract:

The Office of Net Assessment didn't require Halper to submit evidence that he actually talked to the people he cited in his work, which included Russian intelligence officers.

Secondly, the Office of Net Assessment couldn't provide sufficient documentation that Halper conducted all of his work in accordance with the law.

Thirdly, the Office of Net Assessment didn't maintain sufficient documents to comply with all of the Federal contracting requirements and OMB's guidelines.

The inspector general also found that these problems weren't unique to Halper's contract. This is the inspector general speaking up on this. I am reporting what he said. So these findings indicate systemic issues within the Office of Net Assessment in the Pentagon.

Moreover, this office has spent taxpayers' money on research projects unconnected to net assessments. In other words, they are spending money and wasting money that doesn't deal very closely with our national defense.

Two cases in point: The office funded a report titled ''On the Nature of Americans as a Warlike People: Workshop Report.''

Now, that report highlighted the ''level of American belligerency which is the result of the persistence of Scotch-Irish culture in America.''

That ought to get a lot of your attention. What does that have to do with the assessment of the capability of us to deliver on the constitutional responsibility of the Federal Government to the defense of the American people? Or what does that have to do with our assessing the capability of our enemies?

Yet another report focused on Vladimir Putin's neurological development and potential Asperger's diagnosis.

Now, I have highlighted these reports for the Pentagon, and I have asked for records from the Office of Net Assessment relating to some of its other work as well. To date, they still haven't been able to provide all of the records that they ought to provide to the Congress of the United States, under our constitutional responsibility, to see that money is faithfully spent according to congressional intent and that the laws are faithfully executed.

While the Office of Net Assessment was busy wasting taxpayers' money and not responding to congressional requests, China built its hypersonic missile program.

Are we on top of that program? It has got something to do with our enemy's capability.

As a result of all of these failures, then, like I told you, I introduced my amendment to the defense bill on November 4. The amendment would require the Government Accountability Office to determine how much taxpayer money this unit actually uses for net assessment—the reason they were set up.

Are they doing their job? Are they following the law? Are they spending the taxpayers' money responsibly?

I think I have shown, in some instances, where they have not.

The amendment would filter out taxpayer-funded research that has nothing to do with net assessment. In other words, the Office of Net Assessment ought to be doing net assessment, and that deals with the capability of the U.S. Government to do the No. 1 responsibility of the Federal Government: the national defense of the American people.

The second responsibility of this Agency is to determine the capability of our enemies to do damage to us. In other words, it is time that we find out how much money the Office of Net Assessment needs to actually do its job instead of acting like a slush fund for irrelevant or political research projects.

Of course, if this happens and the taxpayers' money is spent properly, this, in turn, will save the taxpayers, potentially, millions of dollars a year.

I encourage my colleagues to support the amendment.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. CORNYN. Mr. President, families back home in Texas are planning their Thanksgiving menus, but they are also bracing for steep grocery bills. Prices are up for just about every part of a typical Thanksgiving meal. The cost of a frozen turkey is the highest in history. Things like potatoes, butter, pumpkin pies, even salt, cost more than they did a year ago.

It is not just going to cost more to eat; it is going to cost more to cook. Appliance prices have skyrocketed over the past year, as have electricity bills, and family members will have to

pay a lot more just to visit their friends and relatives because gas prices are up 60 percent from last year.

As families are being pummeled by higher prices and inflation, our Democratic colleagues are planning to hand major savings to a select group of Americans, just not the ones you think and certainly not the ones who need the help.

Despite their cries of taxing the rich, the Democrats are plotting an absolutely massive handout to the wealthiest Americans. This windfall is not distributed through stimulus checks or lower tax rates. That would be far too obvious. Instead, our Democratic colleagues are relying on a range of gimmicky sunsets and expirations to dole out the millionaire tax break.

If they thought no one would notice, well, they would be wrong. For example, The Washington Post headline says it all. It reads: ''The second-biggest program in the Democrats' spending plan gives billions to the rich.''

That is not how our colleagues have tried to brand their legislation. They would portray themselves as modern-day Robin Hoods—stealing from the rich to give to the poor.

Strange in that it is really just the opposite. They talk about the wealthy paying their fair share and giving working families free programs, but the reality of the situation is far different from the picture they paint, and the wealthiest Americans stand to reap big benefits under this legislation.

For example, the Democrats have included a provision that will allow millionaires and billionaires in blue States to pay less in Federal taxes. As the headline notes, this handout comes with a big pricetag of $285 billion in tax breaks for the wealthiest Americans. It is more expensive than the clean energy and climate provisions in their bill; more expensive than paid family leave; more expensive than the combined cost of the child tax credit and home-based services.

And there is no denying that the beneficiaries of this ultraexpensive provision are the wealthiest Americans. According to the Tax Policy Center, about 70 percent of the benefit goes to the top 5 percent of wage earners—70 percent goes to the top 5 percent. That is people making more than $366,000 a year, roughly six times the median household income of Texans. We were not talking about saving a few dollars here and there. The top 1 percent would save an average of $14,900 next year, and the bottom 40 percent of taxpayers wouldn't be given a dime's worth of a break in their taxes.

The rich in America who stand to gain the most from this change are those who live in blue States, like New York and California that have higher State and local taxes. They would, under this legislation, get to deduct up to $80,000 in their State and local taxes from next year's Federal tax return, leaving everybody else to fill up the gap.

Working families in Texas should not have to subsidize the tax bill for Manhattan millionaires. If the wealthiest people in New York or California think their State and local taxes are too high, there is a pretty simple solution: Tell your elected officials to cut taxes or you can do like many people are doing these days, vote with your feet and move to places like Texas.

Over the last decade, Californians have flocked to my State by the hundreds of thousands. People do vote with their feet, and they clearly support what we are doing in Texas.

We have been happy to welcome folks from all around the country who are in search of lower taxes, affordable homes, and a better standard of living.

Blue State millionaires can't expect my constituents to subsidize their tax bills. They need to either pay their taxes or maybe they need to decide to move to someplace where they are not taxed at such a high rate.

Under this bill, two-thirds of those making more than $1 million will receive a tax cut next year. Let me say that again. The vast majority of millionaires will, under the Democratic legislation, receive a tax break, and nearly 90 percent of those earning between $500,000 and $1 million will receive a tax cut. This is a sharp contrast from how middle-class working families are treated.

Less than a third of those earning between $20 and $100,000 a year will receive a significant tax cut. And the following year, 2023, those savings dramatically decrease.

Year over year, the tax provisions in this bill change dramatically. In fact, there is not a single year over the next decade in which each tax provision will be used at the same time.

Democrats aren't rewriting the Tax Code to make millionaires pay their fair share; they are gaming it to create the illusion of fairness.

Some programs begin immediately and end after 1 year. Some don't even take effect for a couple of years. These are plain budgetary gimmicks. After all, they can't afford to give billionaires a tax break and dole out increased social welfare programs. The fact of the matter is, the millionaire tax break in their legislation is the largest handout for wealthy Americans. But it is not the only one in the bill.

This legislation would allow people earning hundreds of thousands of dollars to receive up to $12,500 from the taxpayers if they buy an electric vehicle. They also can receive up to $900 to purchase an e-bike, which is obviously less green than a good old-fashioned regular bike.

The Democrats' reckless tax-and-spending bill also creates handouts for union bosses, trials lawyers, wealthy media corporations, and a host of powerful friends of the Democratic Party. All of these handouts may appease some of our colleagues' wealthiest supporters, but it will only make life harder for working families.

Families earning just over the median household income, which is just under $62,000 in Texas, could see their childcare costs soar by as much as $13,000.

And the climate policies in this bill are sure to drive energy prices even higher. Gasoline already costs 60 percent more today than it did a year ago. That is a combination of inflation and the policies of this administration which attack the very energy industry that we depend upon to provide affordable energy.

If the Democrats manage to get this grab bag of radical climate policies signed into law, prices at the pump will go even higher.

So this bill will not, as advertised, help America to build back better. It will ensure that we never reach the prepandemic recovery that was the envy of the world.

No public relations campaign can hide the truth about this bill. This is a reckless tax-and-spending spree that will benefit the wealthiest of Americans at the cost of working families.

The last thing we need to do is to line the pockets of wealthy Americans while driving up the costs of the middle class.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. LEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 3243

Mr. LEE. Mr. President, this is now the 17th time I have come to the Senate Chamber specifically to speak against President Biden's vaccine mandate.

I have pledged before, and I pledge again today, to continue this fight until we beat the mandate.

Now, thankfully, progress has been made on this front. The U.S. Court of Appeals for the Fifth Circuit last week halted enforcement of President Biden's general mandate. It did so directing their rulings specifically to the OSHA portion of the mandate. This is the one that applies to all workers everywhere and any place of employment with more than 100 workers.

I, along with millions of Americans, am grateful that the U.S. court system performed its role in protecting the separation of powers and otherwise protecting the limits on government written into our laws and our Constitution.

It is also encouraging to see the government Agency charged with enforcing the general mandate; that is, OSHA, has now halted the enforcement of the mandate and is complying with the order issued by the U.S. Court of Appeals for the Fifth Circuit.

This, however, does not end President Biden's vaccine mandates. That

mandate in particular remains the subject of ongoing litigation, and there are other requirements placed on other specific groups of workers outside of the OSHA mandate and, therefore, outside the scope of the order issued by the Fifth Circuit.

Now, I have spoken previously on the situation that members of our Armed Forces face and on things that people who work in the healthcare profession face—difficult things, challenging things, things that threaten their livelihoods and cause a lot of problems for workers.

I have offered various bills to help those groups of Americans keep their jobs and make sure that they have the right to make their own medical decisions.

I am fighting against the mandate. I am not fighting against the vaccines. I support the vaccines. I am vaccinated. I have encouraged others to be vaccinated. I see the development of these vaccines as something of a modern medical miracle, one that is protecting so many millions of Americans from the harms of COVID.

But this one-size-fits-all dictate from Washington certainly isn't the answer and, under our system of government, can't be. I have heard from hundreds of Utahns who are personally at risk of losing their jobs and their livelihoods due to this mandate. Many of these Utahns have religious or health concerns about the vaccine.

President Biden promised these mandates would include exemptions for those people in those categories specifically, but in reality they are being dismissed or placed on unpaid leave or pushed into retirement with reduced benefits.

These are good people, everyday people. Many are dedicated frontline workers. Far too many are just trying to make ends meet and feed their families. It shouldn't be too much to ask to allow them to continue doing that unencumbered by their own government in their efforts to do that.

These mandates will just push people out of work and make many of them not only unemployed but unemployable outcasts in their chosen professions, professions for which they have spent years studying and learning and receiving certifications just in order to work. What a tragedy.

This wouldn't just harm those affected directly by the mandates. It absolutely would harm those directly affected by them, but the harm extends much further than those directly affected. It would affect all of us, in fact.

The American economy is currently facing a labor shortage the likes of which we haven't seen in decades. Businesses across the country are struggling to find enough workers just to keep their doors open, let alone produce and serve at full efficiency. President Biden's mandate will add to our high unemployment and our low labor force participation rates, and it will put even more pressure on inflation—inflation that is making it harder for Americans everywhere, especially the poor and middle-class Americans, people living paycheck to paycheck who find that every dollar they earn is buying less of everything, from gas to groceries, from housing to healthcare.

Federal Reserve Chairman Jay Powell recently warned that ''hiring difficulties and other constraints could continue to limit how quickly supply can adjust, raising the possibility that inflation could turn out to be higher and more persistent than we expected.''

The mandate is only worsening the problem.

Now, I believe the Biden administration recognizes the harms this mandate will cause for our workforce. It is evident in the administration's date of compliance extension to January 4 that this is the case.

Now, I have to ask an obvious question here—or one that I think should be obvious, should be intuitive. If the forced vaccination of our entire Federal workforce, including employees and contractors and subcontractors—if forcing the vaccination of every one of these workers—were truly an emergency so drastic that all workers, contractors, and subcontractors, even those working remotely in their own homes, must be vaccinated immediately, then why would they risk delaying compliance?

They can't have it both ways. If they want to say that this is an emergency; this is dire, so dire that we have to force every contractor, subcontractor, and Federal employee to get vaccinated immediately and we have to fire them if they don't—if that is truly so emergent—then why delay it to January 4? Why delay it at all?

Now, to be sure, it would be bad. And, to be sure, I am glad they have extended it. Perhaps, maybe, this means they are reconsidering this awful, horrible step, this horrible thing that they are inflicting on those who can least afford to absorb something like this. But it really does undercut the emergent nature of the situation, and it undercuts their underlying reasoning that this has to happen immediately, so immediately that we have to fire all of them if they won't submit to Presidential medical orthodoxy.

This mandate is even so drastic that it includes all workers and all contractors, including all those who work remotely, who don't even go into a workplace. And it also includes even those who have natural immunity from a previous case of COVID–19, something that some studies have indicated will provide 27 times the immunity of a vaccine.

Again, vaccines are great. I have been vaccinated. I have encouraged others to do the same. Vaccines are protecting hundreds of millions of Americans right now. But why not take into account their natural immunity, and why on earth would you fire someone who already has natural immunity or who works from home? That makes absolutely no sense.

This mandate simply goes far beyond what is reasonable. It begs all sorts of questions. Why are you doing this?

So, today, I am offering a bill to help another group—yet another group of people—a group consisting of people not protected by the Fifth Circuit's halting of the general vaccine mandate. Federal workers are still facing a vaccine requirement from the Biden administration. Almost 3 million workers in this country are employed by the Federal Government. Many of them have reached out to me and my office and are concerned about losing their jobs due to this mandate. I know I am not the only one. I know that every single Member of this body has received phone calls, letters, emails, and other pleas for help from people who don't want to lose their jobs.

This is a response to them. This is an effort to try to help them and part of my ongoing effort to reemphasize the fact that it doesn't have to be this way. My bill, the Protecting Our Federal Workforce from Forced COVID–19 Vaccination Act, would prohibit an executive Agency from requiring its employees to receive a COVID–19 vaccine. It is a simple solution to prevent more unemployment and to protect countless Americans from being forced out of the workforce.

This bill will help protect Americans' right to make their own medical decisions and will help protect our economy as it strains under multiple crises and as the holiday season comes around.

I encourage and sincerely implore all of my colleagues to support it.

To that end, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3243, which is at the desk. I further ask that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER (Mr. KING). Is there objection?

Mr. PETERS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Mr. President, in an ideal world we would not need a vaccine mandate. In the ideal world the vast majority of people who can get vaccinated would heed the advice of scientists and of public health officials and take the very simple step to get vaccinated so that we can get this pandemic under control.

But, unfortunately, our reality is very different. We have been working to contain this virus and manage this unprecedented health crisis for nearly 2 years now. It has cost us more than 765,000 American lives, and millions of other Americans have been infected and may face lifelong health challenges as a result.

It doesn't have to be this way. We have safe, effective, and lifesaving vaccines that are now, thankfully, available to a significant number of Americans.

Vaccines are our best tool to finally get this pandemic under control, and requiring the folks who are able to get vaccinated is just simply common sense. We are all tired of this pandemic, and we all want it to end. We are tired of wearing masks because some folks refuse to get vaccinated. We are tired of wondering if we could unknowingly be exposing our vulnerable family members who are taking every precaution. We are tired of waiting for enough people to get vaccinated so that our schools and our businesses and our daily lives can just get back to normal.

And we are tired of emergency rooms and healthcare workers getting overrun by COVID cases from people who are not vaccinated, when we already have the best tool to prevent the spread in the first place. Our frontline healthcare workers are being crushed by the consistently high number of cases, and public health experts are predicting that yet another spike will likely hit this winter unless people get vaccinated.

In my home State of Michigan, the number of unvaccinated patients hospitalized with COVID is once again climbing. A headline from today noted that Michigan has just reached a new pandemic record with the highest COVID case average in the Nation and that deaths across the State continue to rise. Emergency rooms are packed, and in some areas patients are forced to wait for hours or for days to be admitted.

There is one key factor that is driving this horrific scenario: 88 percent of the cases, 88 percent of the hospitalizations, and 88 percent of the tragic deaths were all people who were unvaccinated.

We can put an end to this nightmare by getting more Americans vaccinated.

You know, we require so many preventive measures to keep ourselves and others safe. We wear seatbelts in our cars. We require hardhats on construction sites. We get vaccinated to protect ourselves against a whole number of health risks. And we do it because we know it saves lives and it keeps people healthy.

The answer is simple: Get vaccinated.

Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

Mr. LEE. Mr. President, I appreciate the thoughtful remarks and the insights of my friend and distinguished colleague the Senator from Michigan. He is someone with whom I enjoy working, and one of the many things I appreciate about him is that he puts a lot of thought into everything he does. And I have always known him to be considerate, and I appreciate that about him.

I also am in agreement with the fact that in an ideal world people would be getting vaccinated more than they are. And in that world, if more people got vaccinated, I do think there would be fewer hospitalizations, fewer deaths, and fewer COVID infections. And there are a lot of data sources supporting that.

I also agree that we are all tired as a country, as individuals, as families, regardless of what State we live in. We are tired of the pandemic, of the ERs being overcrowded, and things like that. These are all things we want to do away with. And I also agree with my colleague from Michigan that those things really would be alleviated if more people got vaccinated.

In my mind, the question that we are discussing here isn't about a disagreement over the objectives that we have got; it is more about how to get there, who has authority to take what action and what consequences might attach to government actions.

Notwithstanding the fact that my friend from Michigan and I both agree that the American people, to the extent they have been vaccinated, are benefiting as a whole from being vaccinated, it doesn't mean that everyone is going to agree.

It doesn't get rid of disagreements that exist, in some cases, because of our religious belief or other moral conviction—one that I don't happen to share and probably most of us in this body don't happen to share, but that some people have.

There are some people who, for religious or moral reasons, believe that they shouldn't be vaccinated. There are others who have a specific medical condition that has involved receiving medical advice from board-certified medical doctors that someone shouldn't get this particular vaccine.

I am not a doctor. I am not a scientist. I don't purport to understand these things. But I do know what I hear from Utahns, which is that a number of them have cited medical conditions of one sort or another; previous personal or family medical history that has signaled particular sensitivity to vaccines in general; or, in some cases, when people have autoimmune conditions of one sort or another or a combination of them.

In some cases, doctors are concerned about inflaming that condition, inflaming the immune system of particular patients, and on that basis advise their patients with particular, somewhat unusual medical histories not to be vaccinated.

There are others, still, who might not fit into either of these categories, but might consist of people who have already had the coronavirus and have recovered from it at some point over the last 18 months.

There are studies indicating that natural immunity is real, and that have suggested that natural immunity can convey comparable immunity to that available under the vaccine. Some of the studies have indicated that that immunity could not only be as strong as, but, in some cases, 27 times stronger than that conferred by the vaccine.

I had both. I had the coronavirus over a year ago and I still chose to be vaccinated in addition to that. My own experience with the coronavirus wasn't all that pleasant. It wasn't an experience that I care to relive. In consultation with my doctor, I concluded that it was a good thing for me to get it. I was willing to get it, especially upon learning that it might help protect me even further if I also had the vaccine in addition to having natural immunity.

But, you know, not everyone is going to reach the same conclusions. And one of the struggles that we have had as a country involves difficult questions that people face when they disagree—when they have a genuine disagreement. We have to be careful about how we use government power because the government power necessarily involves the use of force.

Most of the time, mercifully, it doesn't have to involve the direct actual use of force. It can involve the implicit or implied or future or prospective use of force. In other words, you comply with this or that law or regulation or government dictate of one sort of another, then you are fine. If you don't, you know that at some point there will be consequences.

A lot of people comply voluntarily after they received—I don't know—a notice from a law enforcement officer or agent. Or maybe they wait until someone has sued them, and then they get a court order. But they know that at some point, if they refuse to comply, the government can enforce what it is requiring.

So whenever we involve government in these kinds of decisions, we have to be able to defend the actual or threatened or potential use of force in order to justify what we are doing. And we have to ask: Is this moral? Is this an appropriate case to use violence?

Because if it is not an appropriate case to use violence for something, there is kind of a problem with putting government into the equation, because ultimately you have to rely on government to be willing to threaten violence and carry out violence; meaning to show up at somebody's house with a summons, an arrest warrant, or something like that and take them away.

All that involves force. And again, mercifully, most of the time it doesn't have to come to that. Most of the time, Americans, you know, comply with the law just because it is a good thing to comply with the law.

But we really should ask the question whether a government action is morally justified in any circumstance to such a degree that the use of violence would be warranted if it came to that.

I struggle to accept the proposition that it is OK to use violence to force someone to get a COVID–19 vaccine. As

much as I love the fact that the vaccines are available and are a real blessing—something of a modern medical miracle—I can't get comfortable with the idea of using violence to force people, who have another opinion, to comply.

It seems morally problematic and morally unjustified—for that matter, indefensible—for the government to tell someone, ''If you don't get this shot, you will get fired;'' and, in fact, to tell their employer, ''You must fire this person if this person doesn't get the vaccine, even if this person has a good-faith religious belief against it, even if this person has natural immunity or has some particular medical condition causing his or her board-certified medical doctor to advise against receiving the jab.''

That isn't moral to say to that person, ''You didn't comply with a Presidential medical edict, so you are fired;'' and to tell the employer, ''If you don't fire that person, you are going to be the subject of punitive fines that will cripple any business.''

And I literally mean any business. I don't think there is a business in America subject to these mandates that could survive the crippling, deliberately cruel fines that are levied under them—not a one.

This isn't right. It is not moral. Deep down we know it.

In fact, according to a recent poll conducted and reported by Axios—hardly a rightwing publication—it involved a question, and the poll question was something along the lines of: Should a person who declines to be vaccinated be fired for not being vaccinated?

And 14 percent agreed that that is OK—14 percent. Only 14 out of 100 Americans said: Yeah, that makes sense, that is OK; fire this person, fire him, fire her. They don't matter.

It is compounded when you look at the tragedies imposed by the individual circumstances. The soldier; the sailor; the airman; the marine; the TSA worker; the Federal contractor; the employee of a subcontractor of a company with one Federal contract who does mostly non-Federal work; the mom, the dad working in a factory, in a school, in a floral shop—if any of those either have a Federal contract or have more than 99 employees, all of those people are having their livelihoods threatened.

It is not just a job. It is, in many cases—as is the case in the healthcare industry, for example—people who have spent a lifetime acquiring the skills and professional certifications, the degrees, the training, the education necessary in order to participate in that profession.

Many of these people, by the way, throughout the darkest hours of the pandemic, were the people working hardest to protect Americans, to make sure they had access to the healthcare they needed.

Those same people are now being told: You are not good enough. You don't deserve a job. You are going to be fired, even if you have a medical condition that precludes it.

Even if this could be morally justified, which it can't, one must ask the question asked by the U.S. Court of Appeals for the Fifth Circuit: Does Congress, does the Federal Government, have the power to order such a widespread vaccine mandate?

It doesn't.

The OSHA mandate, for example, constitutionally, it would have to be predicated on Congress's authority under the Commerce Clause, which gives us the power to regulate trade or commerce between the States, with foreign nations, and with the Indian Tribes.

Even as that provision of the Constitution has been interpreted really broadly since 1937—even under that broad interpretation, one that has seen only three acts of Congress over the last 84 years being deemed outside of Congress's authority under the Commerce Clause—when you have to almost try hard to pass legislation predicated on Commerce Clause authority that doesn't fall within it, but even under that, this doesn't pass the test.

It is not, by its nature, economic activity. In fact, it is not activity. You are punishing nonactivity.

Even under these high watermark precedents from the New Deal era establishing a very deferential standard of review for exercises of Commerce Clause authority by Congress, this doesn't even pass that. And even if it did, which it doesn't, you would still have to identify the case of the OSHA mandate a definable delegation of authority from Commerce using some intelligible principle authorizing this kind of action.

You will not find that. It is not there. I have reviewed upside down, sideways, backwards, forwards the statutory text at issue with regard to OSHA. It does not provide this authority. The moral authority is lacking. The constitutional authority is lacking. There is no power delegated by the Congress to OSHA to do this. It is not defensible.

I am glad that delays on some of these mandates have been imposed. I am glad that OSHA is at least agreeing to comply with the order of the U.S. Court of Appeals for the Fifth Circuit; and, at least for the duration of that litigation, enforcement will be halted.

I hope and I fully expect that the ultimate resolution of that case will be consistent with what the Fifth Circuit ruled last week. In fact, I have little doubt that it will be.

This is, in some ways, the most brazen act of Presidential overreach that we have seen in a single directive, since President Harry Truman, on April 8, 1952, issued an order seizing every steel mill in the United States for steel production related to the Korean war effort. Mercifully, the U.S. Supreme Court was able to intervene and, within a couple of months, invalidated that action.

This one is even clearer than that; but, more importantly, this one is more emotionally compelling than that.

That unconstitutional act of Presidential overreach affected a handful of steel companies. It certainly affected thousands upon thousands of workers. It didn't have the ability to affect directly or indirectly every single man, woman, and child in America. This one does.

That is one of the reasons why these moral and statutory and constitutional questions matter so much. That is why I have been coming to the floor every day, and why I will continue to do so indefinitely as long as it takes.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VAN HOLLEN). Without objection, it is so ordered.

The Senator from Washington is recognized.

Mrs. MURRAY. I ask unanimous consent to speak as if in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIVE AMERICAN HERITAGE MONTH

Mrs. MURRAY. Mr. President, I rise today in recognition of Native American Heritage Month. As a Senator from Washington State, I am proud to represent 29 federally recognized Tribes.

In Washington, we understand the importance of the sovereignty of Tribal Governments. And anyone who knows me knows, I believe a commitment is more than just words. It is about action.

At the start of this year, when we passed the American Rescue Plan to get America up and running again, it was the single largest Federal investment in Tribes ever—more than $32 billion for Tribal Nations.

Since then, I have spoken to many Tribal leaders in Washington State about what this has meant for our Tribal communities.

A housing grant to the Muckleshoot Indian Tribe helped provide homes for an additional 25 families.

The Lummi Nation created new opportunities for education and job retraining.

The American Rescue Plan helped the Tulalip keep Tulalip-owned businesses, who have been struggling since the pandemic, afloat.

Action on our commitment has helped Tribal members in my home State stay housed, get back to work, keep their small businesses open, and continues to make a difference in a thousand different ways.

Now, these outcomes weren't inevitable. They happened because of intentional and specific policy decisions this

Congress made to support Tribal Nations.

So if we are serious about showing a real commitment to Tribal communities during Native American Heritage Month, then we need to continue to prioritize Tribal communities in all of our policymaking.

Infrastructure in Indian Country—everything from roads to bridges, to broadband—has been underfunded for too long. The bipartisan infrastructure bill, which is now signed into law, will make $13 billion in direct investments in Indian Country, with tens of billions more in Federal grants and future funding opportunities. This will mean clean drinking water, access to high-speed internet, transit to connect communities, and more.

Now we have another opportunity to show our commitment to Tribal communities with the Build Back Better Act. Just like everywhere else in this country, childcare is a crisis for Native communities. Right now, about one out of every four Native Americans in this country is experiencing poverty. That is higher than any other group. So when 1 in 10 Native American parents have to quit or change their job because they can't find or afford childcare, we are making a tough situation worse.

My childcare proposal in Build Back Better is going to cut the cost of childcare by thousands for Tribal families—with many paying nothing at all for childcare—and it is going to help get more slots open everywhere we need them, so parents won't be stuck on waiting lists for months on end.

It is our government's duty to make investments like this one in Indian Country because if we really believe in Tribal sovereignty and acknowledging the role our government has played in centuries of persecution Native peoples in this country have faced, we must also take action to create real opportunity for people; action on quality, affordable childcare, housing, home care, and more.

Build Back Better is going to make a big difference for Native communities, but there is more we need to do to address the specific needs of Native communities.

We have to build on President Biden's Executive action to address the epidemic of missing or murdered indigenous peoples, especially to protect Native women and girls. We must reauthorize the Violence Against Women Act and strengthen that legislation to empower Tribal Nations to hold perpetrators of crimes committed on Tribal lands accountable. And living up to our commitments is also about representation and a seat at the table.

I was overjoyed to strongly support the confirmation of Deb Haaland, who is already blazing a trail as a historic Secretary of the Interior and a powerful voice for Tribal interests.

I was proud to recommend Lauren King, a citizen of the Muscogee Nation and a Tribal law expert to serve a lifetime appointment as a Federal court judge in Washington State—the first Native American Federal judge in my State's history and just the sixth ever in American history. And I am glad to see more than 50 Native Americans serving in key political positions throughout the Biden administration. I look forward to seeing many more.

So, on this Native American Heritage Month, let's resolve to build on the important work this Congress has done so far to support our Native communities.

As a voice for Washington State Tribes in the U.S. Senate, I will always advocate for Indian Country and fight to ensure the Federal Government lives up to its sacred commitment to indigenous people across the country.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILD TAX CREDIT

Mr. BROWN. Mr. President, this week, for the fifth month in a row—and the Presiding Officer has been standing with us on this important issue—parents in Ohio and Maryland and all over the country, once again, see $250 or $300 or, if they have two children, $600 in tax cuts directly into their bank accounts.

Think about this: 90 percent of Ohio children, this year, will have at least a $3,000 tax cut, not a deduction. This is real money in people's pockets. This is 90 percent of Ohio families who will get at least a $3,000 tax cut, and that is if they have one child. If they have more, they will get a bigger tax cut.

You know, we know how hard parents work at their jobs and at raising their kids. Any parent knows how much work it is to take care of children, especially young children. It has gotten only harder and harder over the last year and a half.

I hear some of my colleagues, especially on that side of the aisle, say—you know, they forget what hard work it is to raise children. And I watched what we were able to do on this with the chairman of the Finance Committee, who just walked in, Senator WYDEN, and his leadership on this largest tax cut for working families in my lifetime.

So often, we know hard work doesn't pay off. Think about the past few decades: The stock market went up; productivity went up; executive compensation has been stratospheric; yet, essentially, wages for most workers in this country have been flat.

And you know how expensive it is to raise kids. Healthcare, school lunches, diapers, clothes, school supplies, braces, sports' fees, camp fees—the list never seems to end. And one of the biggest expenses for so many families is childcare. So parents feel like they are stuck. The more they work, the more expensive childcare gets.

One of the reasons that people haven't returned to the workplace as much as some academicians or some professors or somebody predicted—it is not because we were providing unemployment compensation. That just kept them alive. It is because they can't find affordable, accessible, safe childcare. So that is why parents feel like they are stuck. It is why we passed the child tax credit—as I said, the largest tax cut for working families ever. It is about finally, finally making hard work pay off so you can keep up with the cost of raising a family.

One of the joys of this job—and I know that the Senator from Oregon and the Senator from Maryland share this because they do things like this—is we put on our website: What does the monthly child tax credit mean to you?

We started this in July. We voted on it, on this floor, on March 6. Five days later, President Biden signed the law. We all went to talk to Secretary Yellen about getting these checks out quickly. On July 15, 4 months after we voted for it—not even 4. Help me with my math. Three months after we voted for it, these checks started showing up.

In my State, it was 2.1 million checks that went out. There were 2.1 million individuals who got this child tax credit—you know, a million-and-some families because, obviously, some have more than one child in a family in many cases. Then they got a check on August 15; September 15; in October; and just this week, on November 15.

We know it cut the rate of child poverty by 40 percent. We also know that it helped families with school expenses or with, maybe, putting a little bit of money aside for Bowie State or Stark State, a community college in Ohio.

Maybe it was just a way that families—I mean, we know how there are so many families who are really anxious at the end of the month. Maybe we don't talk to enough families like this around here, but for families who are anxious at the end of the month, getting this $200 or $300 or $600 check in the middle of the month relieves the anxiety so many families have just to pay the rent because we know so many families, in that last week of the month, cut back on food a little bit, cut back on trying to figure out a way to get through the month so they can pay their rent at the beginning of the next month.

So, on this website, when we ask people what this means to you, we just get the most wonderful stories.

Lisa said the tax cuts help her afford ''diapers and school supplies . . . and [now] we [can] put a little into starting a 529 college fund.'' It is so exciting. Now we can finally ''save for education.''

Lin from Columbus: ''It kicked in right at a time when kid birthdays were happening for us, plus back to

school shopping, and several unexpected vehicle repairs were needed as well—it's made a very helpful impact.''

The Presiding Officer, Senator VAN HOLLEN, sits on the Banking and Housing Committee with me. He knows that, before the pandemic, 25 percent of renters in this country paid more than half of their income in rent, and if one thing goes wrong—your car breaks down; you get sick; your child gets sick; you miss a few days of work—you can be evicted. This will stop that from happening in many cases.

Jeff from Cincinnati said it helps him afford ''car insurance for a 17-year-old,'' a 17-year-old who has a part-time job after school.

The story we hear over and over is how expensive childcare is, how parents use this money to afford childcare so they can go back to work or, maybe, work more hours than they are working.

CeCe said her tax cut helps her pay for daycare. ''Daycare is the same amount as my mortgage payment for 4 days a week! So this is so, so helpful,'' she said.

Sarah said: ''It has been critical as I started my unpaid maternity leave at the end of July.''

I mean, we want people to be able to give birth and then stay with their child, their newborn, for a period of time. Many, many, many people in Baltimore, in Cleveland, in Portland don't have any kind of leave—and how important it is that they can, maybe, stay a little longer with a newborn child and bond with her or him.

Courtney, from Athens, near the Ohio River, said the CTC is ''slightly more than half the cost of part time daycare tuition per month—much appreciated help getting kiddo back into childcare and keeping [my husband and me] in the workforce.''

These tax cuts mean more parents can afford to work and can afford to keep up with the extra cost of raising kids.

When these tax cuts are fundamentally stripped down from everything else, it is about the dignity of work. All work has dignity, whether you punch a clock or swipe a badge; whether you work for tips; whether you are on salary; whether you are raising children or caring for an aging parent. Raising children is work. We never should forget that: raising children is work.

It is a hell of a lot more work than moving money from one overseas bank account to another, as this body falls all over itself over the years giving tax cuts to rich people.

It didn't stop Senator MCCONNELL from rewarding the wealthiest CEOs and hedge fund managers and Swiss bank account holders. We remember what happened. When they did their tax cut 4 years ago, everybody in our—I mean, look at the difference. Four years ago, they passed the tax cut. You could see the lobbyists lined up in the hall outside Senator MCCONNELL's office. Four years ago, we passed the tax cut. Almost all Republicans voted yes; almost all Democrats voted no. Seventy percent of that tax cut went to the richest 1 percent.

Earlier this year, we passed the largest tax cut for working families everywhere. Everybody on this side voted yes; everybody on that side voted no. I mean, whose side are you on? Apparently, we know that. Senator MCCONNELL and his crowd—they are always for the billionaires, they are always for giving more tax cuts, while Senator WYDEN and the Finance Committee are fighting for middle-class tax cuts.

They then promised—and we all heard this—they promised that these big tax cuts for billionaires would trickle down, and they would hire more people, and they would pay higher wages, and the economy would grow. Well, it didn't exactly work that way. They kept so much of it for themselves. They spent that money on stock buybacks, and we know what happened then.

So the question is, Do you want tax cuts for billionaires and corporations or do you want tax cuts for working families? We want tax cuts for working families, and so do Americans from all over the country overwhelmingly from all kinds of backgrounds, from Chillicothe to Xenia, to Springfield, to Portsmouth, to Ravenna—all over the country.

Every single month now, we are showing parents and workers we are on your side. We will not stop fighting to make sure parents' hard work pays off for years to come.

The child tax credit—we will make it permanent. It may not be this year, but we will make it permanent. As Senator WYDEN has said, it will become a lot like Social Security. It will be transformational. Americans will love it the way Americans have gotten used to and depend on and love Social Security. It is part of who we are as a nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. WYDEN. Mr. President, in a few moments, I intend to put forward a request for the Senate to take up and approve the nomination of a very special Oregonian; that is, my friend Chuck Sams, President Biden's choice to lead the extraordinarily important National Park Service. I am just going to take a few minutes to talk about Chuck Sams and make sure the Senate understands why this is the right person for this very important job.

First of all, I would say to the Senate, we have heard the national parks described as America's best idea. That is because they form a network of treasures that no other country can match. But the fact is, the National Park Service is not only about the views and the photo-ops; the Director of the National Park Service is in charge of an organization of over 22,000 employees and almost a quarter-million volunteers. The Park Service generates tens of billions of dollars of economic activity. The people of my State, Oregonians from one corner of the State to the other, particularly understand how critical outdoor treasures are for rural economies and rural jobs.

There are park units in every State in the Nation—urban parks, rural parks, historic American buildings, ancient archeological sites. And the personnel at the Park Service—what incredible people. They do it all, from education to preservation to maintenance, and they are also now doing more resilience against wildfires.

That is why it is so important we have strong leadership at the National Park Service, because when you have employees taking on such diversified challenges and you have the Park Service woven into the fabric of every State and so many communities, you need somebody at the top, the leader, to be capable and ready to take on these enormous challenges. Chuck Sams is that person, there is no question about it.

I want the Senate to know that I have known Chuck Sams for years, and I have personally seen in action his dedication to communities and to the outdoors. He has been a longtime Umatilla Tribal leader and a key member of the Northwest Power and Conservation Council, working with officials from across our region. He is also a veteran of the U.S. Navy. I know Chuck Sams to be a role model in the stewardship of America's lands, our waters, our wildlife, and our history.

The Congress and parkgoers are going to be able to count on him in the months and years ahead, after he is confirmed, because we know the Park Service faces some very big challenges. There is, for example, a multibillion-dollar maintenance backlog. The parks are often very crowded. They are confronting the effects of the climate crisis, whether it is wildfire, floods, or droughts. The list goes on and on. There has been for too long—too long—a workforce culture fraught with gender discrimination and harassment.

For almost 5 years, the Park Service has been without a Senate-confirmed Director. The reason why I am here is, I would say to the Presiding Officer and to my colleagues, I am here to make sure that the Senate doesn't wait another single day after 5 years to confirm a capable leader, Chuck Sams, as the Director to address these challenges I have described. He is the right nominee at the right time. I want Senators to know I base this not on reading a bunch of resumes or bios about Chuck Sams. I have seen it myself. I have seen Chuck at work in our State. He is committed. I support him 110 percent.

Therefore, Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 508,

Charles F. Sams III, of Oregon, to be Director of the National Park Service; that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order with respect to this nomination; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Alaska.

Mr. SULLIVAN. Mr. President, reserving the right to object, I want to commend my colleague from Oregon and his comments. As a matter of fact, I don't disagree with pretty much anything he said.

I had my first good meeting with Mr. Sams this morning, and I would agree, I think he is qualified. I am particularly impressed with his background as a Native American, as a veteran.

One thing I like to talk a lot about is how our Alaskan Native American populations serve at higher rates in the military than any other ethnic group in the country—special patriotism. Mr. Sams certainly carries that tradition on quite well.

And I have already talked to Senator WYDEN. I intend to work with him and Mr. Sams just on a few more issues, a few more discussions. Again, we had a very good conversation this morning.

This is nothing about his qualifications, but I wanted to make sure the administration is aware of some issues, at very high levels, as it relates to this position, this job. And, again, I agree with my colleague from Oregon; this is an extraordinarily important Federal Agency. As a matter of fact, it is so important for my State that I want to explain a little bit to my colleagues, many of whom don't really know what the National Park Service does. But to my State, it is enormously important; it is powerful; and it can touch on people's lives in huge ways.

Let me just give you a little bit of the numbers. The Federal Government manages roughly 66 percent of the lands in Alaska. Of that, the Park Service controls 55 million acres. Two-thirds of all National Park Service land—two-thirds of the land that Mr. Sams will be in charge of is in my State. A lot of people don't recognize that. A lot of people don't understand that. Alaskans understand that—two-thirds.

So he is one of the big, important landlords of the great State of Alaska. And, as you can imagine, this Agency has outsized influence in Alaska beyond what these numbers represent—for hunting, for fishing, for transportation, for culture, and for people's livelihoods.

And this has been an Agency, to be quite frank, that has been abusing its power in Alaska for decades—Democrat administrations and Republican administrations.

In 1980, this body passed the Alaska National Interest Lands Conservation Act—what we call in Alaska ANILCA. The Congress took 100 million acres of Alaska lands. We weren't supportive, by the way, Alaska—100 million acres. That is bigger than almost any State represented in the U.S. Senate, bigger than two Minnesotas.

And a huge part of ANILCA laid out how the National Park Service would interact with Alaskans. For decades, Alaskans were saying that the way in which the National Park Service was treating Alaskans—by the way, Alaska Natives in particular—was not according to the law, was not according to ANILCA.

And it wasn't just Alaskans saying this. In the last 4 years, there have been two U.S. Supreme Court decisions—they are referred to as the ''Sturgeon'' decisions—where an Alaskan who wanted to go hunting sued the National Park Service, and it went all the way to the Supreme Court. And the U.S. Supreme Court twice in the last 4 years, 9 to 0—9 to 0—agreed with Alaskans that the National Park Service was not following the law as it related to ANILCA.

As Justice Kagan, who wrote one of the opinions, said, ''Alaska is often the exception, not the rule'' to issues relating to Federal lands and access.

Now, as you can imagine, the National Park Service did not like getting slammed by the U.S. Supreme Court twice 9-zip, but we liked it. It was a vindication of what Alaskans, for decades, have been saying about the abuse of power of the National Park Service.

So I want to work with Senator WYDEN and Mr. Sams on further conversations, soon—we are not trying to block this; I know the National Park Service needs leadership, and I think he would be a good leader—but to look at making sure the implementation of these two U.S. Supreme Court decisions, 9 to 0, are followed through by the entire bureaucracy. It is not much to ask.

These are topics I raised with Mr. Sams today. He seemed to be in agreement with me. But these issues are enormously important to the people I represent.

And I am going to mention one final thing, and it is not really in Mr. Sams' area of expertise, but I mentioned this to him as well.

All Americans have been experiencing economic, pandemic-related pain over the last 20 months. My State, I think, has been hit as hard as any other State, particularly on the economic side. And I want to just raise this topic right now because I am going to come down on the Senate floor and talk about it a lot more here. But it relates to some of these issues.

This administration, the Biden administration, in the last 10 months, has issued 19 Executive orders or Executive actions solely focused on my State—19. There is no other State in the country—not Maryland, not Oregon, no other State in the country—that is getting this kind of attention from the new administration, and it is attention that we don't want because almost every one of these Executive orders and Executive actions is hurting working families, is hurting our economy, is hurting access to our lands at a time when we are already hurting.

I just want to ask my colleagues, respectfully, especially on the other side of the aisle, could you imagine a Republican administration coming in and saying, ''We are going to issue 19 Executive orders and actions targeting Maryland or Delaware or Oregon or Massachusetts''? Senators would be on the floor, rightfully, sticking up for their State and their fellow citizens.

This is a challenging time right now. Working families are hurting with inflation, high energy costs, and we have an administration in the White House that thinks it is fine to target the great State of Alaska. Well, it is not fine. It is not fine. It is a war on working families in my State, and I would hope all of my colleagues would recognize that this isn't appropriate. This isn't appropriate.

And it is not just these actions. The White House has made it known that it has gone to financial institutions throughout the country—banks, insurance companies—saying: Don't invest in American energy projects in the Arctic—also known as Alaska.

So I am not going to hold this against Mr. Sams. My colleague from Oregon I have a lot of respect for. But, literally, every major project that is resource development, employs people, helps working families—by the way, there are some that aren't economic. There is a law that we passed in the U.S. Senate 3 years ago to help Alaska Native Vietnam veterans. It was my bill. I care deeply about these great warriors who were really screwed by their country when they came home from Vietnam.

The administration has delayed the implementation of that bill for 2 years. There will be Vietnam veterans—Alaska Native Vietnam vets—in my State who will die before they get the benefit because they just thought they could do another hit on Alaska.

So I ask my colleagues to just put yourself in my State's position. None of you would accept that. And I am going to start talking about it, and I am going to start raising these issues. And I hope I can get some of my colleagues—Republicans and Democrats—to maybe reach out to the White House, going: Hey, this really isn't appropriate. Alaska has had a rough time. Everybody has had a rough time in America, but really? Nineteen Executive orders and actions?

These are just the Alaska-specific ones. There are broader Federal ones that impact us too. But I want to work with Senator WYDEN. I want to work with Mr. Sams, particularly on that issue I raised earlier. I think he is

going to be very well qualified. I admire his desire to serve, his background, and especially his Navy background.

And I intend to lift my hold very soon, but right now I am objecting. But my goal would be to have this nominee, who is qualified, after further discussions with me and Senator WYDEN, moved to be confirmed by the U.S. Senate. But, for now, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Oregon.

Mr. WYDEN. Mr. President, I just want to tell the Senate where we are now and what is ahead.

I have asked unanimous consent to confirm an Oregonian whom I have watched in action, Chuck Sams, to head the National Park Service, which has gone leaderless for 5 full years.

Now, my colleague has said, to his credit, that Chuck Sams is very well qualified, that he is a good man, that he had good discussions with him. And I would just say to the Senate and my colleague—my colleague and I have worked together often here in the Senate. I remember, as chairman of the Finance Committee, we had some issues on the budget. And we got together, and within 20 minutes we had it worked out.

So I would just say to my colleague, I am ready from this minute on to get together with you, to get together with Mr. Sams. We are going to be here, it sounds like, at least today, and then we will have to see.

But I just hope we can work this out because I listened to the Senator very carefully. And I have been to Alaska. I went with your colleague Senator MURKOWSKI when I was chairman of the Energy Committee. And I heard my colleague's concerns.

Well, to get those kind of concerns addressed—many of them—you have got to have a Director; you have got to have somebody you can hold accountable, somebody you can get on the phone and you can talk to about issues. Chuck Sams is exactly that kind of person.

So I want my colleague to know we are going to be here the rest of today and, it sounds like, some of tomorrow, but we will have to see. I hope that we can get this worked out, and I want to pledge to my colleague that I will, myself, be willing to work with him on issues he has with the State, just the way we did on those tax concerns with respect to the budget. And let's see if we can get this done before we leave this week because the longer we wait—I mean, just think of the Park Service here over the holiday. There are going to be a lot of people—because the Park Service is part of the treasures of America—who are going to want to enjoy those facilities.

So this has real-world consequences. I look forward to working with my colleague, and I hope—I hope—we can get this done before we leave, and I pledge to my colleague that I will work with him to respond to his concerns not just about this nominee in the context of this nominee but in the context of the concerns he has for his State.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I want to thank my colleague from Oregon, and I will commit to working with him to try and get this done before we head out to recess.

We know the treasures of Alaska. As I mentioned, two-thirds of all the Park Service in the country is in my State, which is why I want to make sure I am having followup conversations—I had a good one already with Mr. Sams—to get commitments on a few additional issues that matter deeply not just to the Park Service and for America but, really, to my State. But you have my commitment to work with you and Mr. Sams on a few more of these issues.

And, if I may, for all my colleagues, right—and I am glad to hear Senator WYDEN mention this—this shouldn't be happening with one State. There is a Biden White House war on the State of Alaska. No one is getting treatment like this, and it shouldn't be this way. If a Republican President were in attacking Maryland or Oregon like that, I would call the White House going: Hey, lay off, guys. Lay off.

So I sure hope some of my colleagues—Republican and Democrats—can send the message to Joe Biden, the President, that you know, the war on working families in Alaska is not really a good idea. They are Americans, too, and they have got a lot of resources to produce for our great Nation, which we need right now.

So with that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

CORONAVIRUS

Mr. LANKFORD. Mr. President, on September 9, President Biden told the American people that he was losing patience with them and they needed to get vaccinated right now. He laid down a series of Executive orders on Federal employees, on Federal contractors, on companies that had—individuals that had 100 employees or more, on individuals that worked in any healthcare-related, anything that dealt with Medicare or Medicaid. It reached out to millions of people.

He set a date that was within 3 months, knowing full well it would take months to actually write the rule and it would create chaos across the country as everyone tried to figure out how to do this mandate.

I fully believe that was the purpose of setting a close deadline; it was because it would have that much chaos in the country dealing with the vaccine mandates. Well, mission accomplished. It has created chaos across our economy and across lots of families.

What is the situation right now in America dealing with COVID?

We are on the backside of our second peak. We have seen hundreds of thousands of people lose their lives to COVID. We have seen hospitals fill, get back to order; fill again, get back to order.

But in the meantime, three vaccines have been developed, multiple different treatments have been developed, a multitude of tests have been developed, which has been the primary issue that we have every year with the flu.

We don't panic every year on the flu because we have testing. We have treatment. We have vaccines. We now have, for COVID, testing, treatments, and vaccines. It becomes much more manageable.

In the meantime, right at 80 percent of all Americans who are 12 years old or over have already had at least one dose of one of the vaccines.

Let me run that past you again: 80 percent of Americans have had at least one dose of one of the three vaccines, of those 12 years old or older.

About 45 million Americans have recovered from COVID; had it, tested positive, and have recovered. The vast majority of Americans, by far—like, not even close—the vast majority of Americans have been vaccinated or have recovered from COVID or both.

But is the administration OK with that?

No, they are not. The administration has laid down their own law to say, if Americans do not get the vaccine—those 20 percent left that haven't gotten the vaccine that are 12 years old or older, if they don't get the vaccine, this administration is going to find some way for them to lose their job; which, for many people, will also mean lose their insurance; lose their pension; and, sometimes, lose their home.

But the President's response is: I don't care. Go get the shot. That is what I want you to do.

Well, Mr. President, mission accomplished.

Let me tell you a story of an individual that works in the eastern part of my State, who works for one of those companies that is 100 people or more. He didn't want to have the vaccine. The reason is not even important, but he said he didn't want to take the vaccine. So what happened in his company of 100 or more? They fired him a couple of weeks ago.

You are welcome, Mr. President. Thanks for firing him.

Oh, it gets better. He lost his house because he couldn't pay the mortgage, and this adult man has now moved in with his family while he tries to figure out what happens next for him.

Do you know why?

Because the President said he was losing patience and he didn't care if this guy lost his house, lost his job, lost his insurance. The President was just saying, go get it, or else.

Well, thanks. Right before Thanksgiving, he is experiencing the ''or else.''

One of my constituent's husband is facing termination. He is from another one of those large companies. He has worked for them for 30 years. He has a

secret clearance from the DOD. And his doctor gave him an exemption because his cardiac numbers fluctuate so much. And he is one of those high-risk individuals for blood clots, which can be a side effect of the vaccines. So his doctor has encouraged him not to take the vaccine.

So he went into his job. He asked for the medical exemption, and he was given two forms to sign. The first of the forms said he had to agree to take the vaccination or he would lose his job. The second form agreed that, if he took the vaccination, he would not sue the company if he had a negative reaction.

So here is a man who has to choose between taking the vaccine, knowing that his doctor has told him not to do it, and if he does take it, if he has a negative reaction, the company wants to be held harmless for it. And he has to sign a document saying the company will be held harmless for it or lose his job.

Do you know why?

Because President Biden said he was losing patience.

So this family gets to sit around over Thanksgiving not talking about football but talking about whether he is going to lose his job or possibly have a blood clot in the hospital.

Which would you like to have that conversation on over Thanksgiving?

There is a company that does electrical engineering that also has one of those Federal contracts they talk about. Some of the employees don't do the Federal contracting. They work for other issues. Fifty people of the 250 in the company have said they don't want to take the vaccine, and so they are in the process of losing their jobs. And that company will not be able to fulfill its Federal contract because hiring 50 more electricians is not that simple right now with the economy that we are currently in.

A constituent told us that her employer is going to lay her off on December 8 because she hasn't had the vaccine yet. So she will spend Thanksgiving discussing this with her family as she approaches the time where she is about to be laid off. She works in one of those companies that has a Federal contract. She reached out to her primary care doctor, who is at the VA, by the way, and the VA instructed her that they are not writing exemptions for medical exemptions.

She is on her own.

Why?

Because the President is losing patience, and he has decided he is going to throw all of these families in chaos or they are going to lose their job, because he said so.

Why have I been fighting this mandate since September 9 when the President actually announced it?

Because it was obvious to me what was coming. It was this.

Everyone could see it, apparently, but the White House. Americans are stubborn people. That is what has made us the most prosperous, freest people in the world. We are entrepreneurs. We take risks. We understand the consequences for our risks. But we also go do because we can; we are Americans.

And now the President of the United States has announced: I don't care; you are going to get this, or else.

So what is the real effect of this? All of this chaos?

Oh, this is just part of it. There is a whole lot more.

How about the EMS folks that are in rural Oklahoma, that are having a hard time actually keeping some of their drivers and folks in because they have chosen not to take the vaccine?

What happens in 3 weeks from now when people get sick at their house or have a heart attack and EMS can't respond because those folks got fired from their jobs because the President said, I am losing patience? What happens?

I will tell you what happens. People die. Other families are going to struggle through this process as they are figuring out where they are going to go to work because they lost their career, because the President said: I have lost patience with you.

Tell me this: For the person that is the JAG officer in the military, works in the National Guard, and for whatever reason—whether it is a religious accommodation, medical accommodation, or whatever it might be—they chose not to take this vaccine, when they get a dishonorable discharge, what happens to them?

They lose their law license is what happens to them. They are disbarred, and they are no longer practicing their profession.

What happens to the State trooper in Oklahoma that also serves on our National Guard?

When they get dishonorably discharged, they don't just lose their military career; they lose their civilian career.

What happens to the nurse or doctor that serves with the National Guard? When they get drummed out, what happens?

They lose their military career and their civilian career. That is what happens.

Do you know why?

Because the President decided he was losing patience with the American people and they have to do what he says to do, not what they want to do. That is why all this chaos is happening.

I heard from a constituent, 28 years of Federal service—28 years of Federal service. I am not going to give the administration that they work in, but they work behind the scenes in an exceptionally important, exceptionally difficult task—serving their neighbors as a Federal employee. She doesn't want to retire, but she doesn't want to take this vaccine either.

So do you know what she is doing?

She is retiring.

And what is going to happen in this agency in Oklahoma when they lose this cornerstone person at this Agency?

They will struggle to figure out what she did, how she did it. And people in Oklahoma will get less help in that Agency because a long-term, vital civil servant is about to get run out of civil service because President Biden decided he lost patience with her.

That wasn't in her civil service contract. That was never negotiated with any other collective bargaining rights agreements, never. There is no addition in any collective bargaining rights agreements for Federal employees that they have to get a vaccine mandate if the President decides that they do, but he decided—that is, President Biden decided—he was going to take this on.

And so she is going to be discussing over Thanksgiving what she is going to do post-retirement, wishing that she could stay a little longer to be able to build up a few more years, and thought she was going to be able to, but, instead, she got ran out because she and the President had a difference of opinion about a brandnew vaccine.

Now, I have said to this group before several times—and I will say it again—I have had the vaccine. I encourage others to take the vaccine. Eighty percent of Americans who are 12 years old or older have had the vaccine.

There are plenty of Americans who have had the vaccine who support the vaccine but do not want their next door neighbor to get fired because they disagree on the vaccine. In fact, I don't know a lot of people who do, though I have met some that are just that heartless to be able to say: I don't care what you think. I want to feel better forcing you to go get the vaccine.

I have met some of those folks, but I don't meet many of them. Most of them say: I freely made the decision; they should be able to freely make the decision, as well.

But apparently that is not where the President is and, unfortunately, that is not where some of my Democratic colleagues are because multiple times we have brought an end to the vaccine mandates to multiple committees in multiple places over the last several months and it gets knocked down every time.

Just this week, we filed a Congressional Review Act dealing with just the OSHA piece. We have another one coming dealing with all those on CMS to make a simple statement: We have got to stop this vaccine mandate. It is causing chaos in our families. It is causing chaos in our economy, and anyone who doesn't think it is is not talking to people at home.

So we will bring this in the next 18 days to the floor of this Senate, and we will force a vote on it and put everyone on record: Do you stand with the American people, who strongly affirm the vaccine but strongly oppose the mandate, or will you be one to say: I don't care. I stand with the President. I am losing patience with people, this 20 percent that haven't done the vaccine. I

am losing patience with them, and I am just going to force them to do it, as well—because that decision is coming to every single person in this body.

This could be turned off right now, and one section of it already is turned off. The Fifth Circuit Court reached in on the issue of private employers and said that this was way overly broad of the President. No kidding. It was unconstitutional for the President to reach into companies and to say: I don't care who it is, how important they are to the company. If you don't make them do the vaccine, you have to fire them.

The Fifth Circuit said you cannot do that. Thank you, Fifth Circuit, for finally joining in on that.

OSHA has now said that they are not going to enforce that, but there are lots of other companies that have done it anyway. And, I will tell you, for this individual in Eastern Oklahoma who has already been fired and lost his house, it is too late for him for suddenly the Biden team to say: Just kidding. We are going to pull that back. His life has already been wrecked by you.

What else is happening? I have reached out to multiple different Agencies to be able to talk this through. It has been fascinating to me, when I have talked to different Agencies. By the way, the Federal Agency mandate for all Federal employees is next week to be able to have that done. But when I talk to leaders of Agencies of multiple different Departments across this town, none of them seem to know how many of their employees have actually been vaccinated yet—none of them. They all say: Well, we think it is quite a few.

I say: How many folks have not been vaccinated?

We have x number of folks who have been reported to us, but they don't seem to know. It has become chaotic.

For Federal workers, their unions have finally stepped in—finally. I have been shocked at how slow the Federal unions were to this. They finally stepped up and asked for an extension of the President to say: Don't put the mandate down for next week. Give people more time because, literally, people are sitting around over Thanksgiving deciding whether they are going to keep their job or not.

And if 10 to 20 percent of the workforce across the Federal workforce leaves, we are in such chaos that there is no way we will be able to finish serving people as we desperately need to be able to do across the Federal Government.

What would I recommend? I had some very frank conversations with the Equal Employment Opportunity Commission, or the EEOC. It was interesting to me, when I visited with the EEOC. That is the group that protects workers—Federal workers or private—from discrimination and protects workers from inappropriate termination. When I talk to the EEOC, what I hear from them is that they weren't consulted through the process of developing this new vaccine mandate and all the exemptions that should be in place.

Can I just tell the workers of my State and the workers across the country a simple thing? If your employer will not accept your religious accommodation that you put in or your medical exemption that you put in—if they do not accept those—you need to go to the EEOC and file a complaint because the EEOC has rules about terminations that are inappropriate terminations. If individuals are being terminated from private companies, even if they are Federal contractors or Federal employees, I encourage you to go to the EEOC and file a complaint if they are not hearing your medical accommodation or your religious accommodation. That is your right as an American.

When the President of the United States is running over your rights, you have every right to be able to appeal that personally. You don't have to hire an attorney. You can file that complaint on your own to be able to make sure that your employer knows that you are filing an EEOC complaint against them for inappropriate termination, for not accepting your medical exemption and your religious accommodation.

Interestingly enough, when I approached the Office of Management and Budget a month ago about how they are going to handle religious accommodation, they said: It is not the business of Federal workers to decide and individuals' faith. We are just going to accept that.

But when the document came out, there was a six-part test of whether you are religious enough to be able to turn down the vaccine. They literally created a six-part test that every supervisor can go through and check to determine if you are religious enough to be able to turn this down.

This would be the first time that I know of that the Federal Government has actually reached into an entity, to individuals, and said: We are going to decide for you how religious you are.

That is how crazy this has become.

I encourage you, again, if individuals have said that you are not religious enough to be able to ask for this accommodation, go to the EEOC, file a complaint against your employer—whether that be a Federal Agency, whether that be a private entity—and make sure that they are well aware of what is going on.

If you work in a Federal Agency and you have an initial appeals process that actually goes through, go through that. Go through that process. But if you are denied or not heard, you do have rights as an American, and I would encourage you to be able to stand up for your rights as an American against unjust hiring and unjust firing in this process.

Let me read this last letter to you. As we have fought through this process and find every leverage point I can find for the people in my State to be able to make their own decisions, it has been difficult to be able to talk to people in the struggles that they have.

Let me read one. This gentleman wrote to me:

> I retired after 20 years of Active-Duty service in the military to enjoy time with my family and the supreme blessings of freedom and peace our country has secured at the expense beyond human measure. Now, many of our undaunted servicemembers and veterans alike face possible unemployment because we refuse to take a vaccine. Some are being coerced into taking it because they can't support their families while unemployed. The very people who risked their lives and the well-being of their children face persecution for a personal medical choice.

His comment to me: This is not American.

I agree. That is why we are fighting this. That is why we are continuing to push this. That is why we are bringing a Congressional Review Act up to put every single person in this body on record: Do you support forcing people to take a vaccine or be fired, or not?

I do not, and I hope that 99 other of my colleagues also do not.

I yield the floor.

The PRESIDING OFFICER (Ms. CORTEZ MASTO). The Senator from Kansas.

NOMINATION OF SAULE OMAROVA

Mr. MORAN. Madam President, I rise today to express my opposition to President Biden's nominee to be Comptroller of the Currency, Dr. Saule Omarova.

Although not the most publicly known office, the Comptroller of the Currency is a prominent and influential position that regulates and supervises all national banks. Given the undeniable importance of this office to the economy and to Americans, it has long been kept free of divisive politics and extreme views.

While I talk about the Office of the Comptroller of the Currency and I talk about banks, my concerns are certainly more than just the financial institutions that are in our country's economy. It is the people, their customers who are served, that bother me or worry me the most.

Rather than offer practical ideas for strengthening our Nation's banks, Dr. Omarova advocates for the elimination of all commercial banks—the very financial institutions she should be interested in partnering with. Instead, she wishes to replace them with one bank—one bank—the Federal Reserve.

While the Comptroller might not have direct control of the Federal Reserve's structure, the reach of the position cannot be understated. The Office of the Comptroller is a member of the Federal Financial Institutions Examination Council, the Financial Stability Oversight Council, and even the Board of the FDIC, an Agency Dr. Omarova hopes to eliminate.

Although the doctor claims to support community banks, her plan would relegate them to mere franchises of the

larger Federal Reserve, and her comments have alarmed many Kansas community bankers. They have grave concerns about her policies that would ''end banking as we know it.''

One Kansas banker says:

I have severe concerns with the President's nominee to be the Comptroller of the Currency. Her support of moving the payment system entirely through the Federal Reserve and her commentary in favor of abolishing the FDIC moves the entire banking system toward a government-controlled financial system. Eliminating the dual banking system would be disastrous for entrepreneurs and consumers alike in the marketplace.

Another banker from Kansas said:

We expect our regulator to supervise safety and soundness for banks in the system, not to propose and force feed social agenda items to us.

Local lenders—I certainly know this in the State of Kansas—are the cornerstone of many small towns, and the Comptroller should appreciate the value that community banking brings, what I call relationship banking. They provide crucial lending services for the underbanked populations in rural and urban areas alike. Eliminating the one-on-one, personal approach that allows community banks to thrive will do permanent damage to financial inclusivity and will further push people out of the financial system.

I have often said to my colleagues in Washington, DC, that economic development in many places in Kansas is whether or not there is a grocery store in town. It didn't take me too long to realize that that answer, of whether or not there is a grocery store in town, often revolves around whether or not there is a community bank—a relationship bank—in town, one that makes decisions, certainly, on the wellness and the ability of the loan to be paid, but what is in the best interest of the community? How can I make my community and my customers better off for the way this bank operates?

Another Kansas banker noted it appears that Dr. Omarova is comfortable with a banking model ''that lacks luster and the agility to serve the diverse nature of the American banking industry.''

With a banking model that would provide no incentive to create innovative new products, consumers would no longer benefit from the financial modernization that has brought so many people into the banking sector, so many customers to the banking sector. Consumers are best served by a financial system that offers competitively priced loans and lets lenders invest back in their local communities.

We must continuously work to improve our financial sector for everyone, but forcing consumers to bank with the government would do so much more harm than good. Kansans want less government in their lives, not more, as this would be.

Under Dr. Omarova's proposal, the government would have mandatory seats on bank boards and be able to control investments in ''socially suboptimal'' activities, a subjective definition that can be interpreted to stifle investment. She believes Federal bureaucrats should handpick who gains access to credit—all but ensuring leftist ideas would be funded.

Confirming her to this office would provide Dr. Omarova with ample opportunity to deny funding to industries she finds politically unfavorable, including bankrupting our domestic energy companies, something she spoke about.

While Dr. Omarova cheers on companies' bankruptcies, jobs disappear, families go without income, and that American dream that is so important to all of us is crushed.

Unfortunately, the doctor's confirmation hearing this morning only deepened my concerns. Her views have no place in the role of the Nation's top bank regulator.

She is entitled to her views. She is entitled to her radical views but not as the Nation's top bank regulator.

By nominating Dr. Omarova, President Biden looks to fundamentally reshape banking from a market-driven industry to a one-size-fits-all government entity. The thought of a centrally planned economy and a banking system like that is not only unworkable, but it is radical—radically wrong.

Even if these ideas are just for the sake of some academic thought, Dr. Omarova's suggestions have consequential impacts. This is a very powerful position, and we cannot—we would take her views lightly at our own risk.

I urge my colleagues to reject this nominee.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARDIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING SERGEI MAGNITSKY

Mr. CARDIN. Madam President, 12 years ago this Tuesday, Russian tax lawyer Sergei Magnitsky died in Moscow at the hands of prison guards who, instead of treating him for the acute illness that his torturous, yearlong detention provoked, beat him for over an hour. He was found dead in his cell shortly thereafter. His ''crime'' was exposing the largest tax fraud in Russian history, perpetrated by government officials. He was 37 years old and left a loving family and many friends.

At the Helsinki Commission, which I chair, we had heard of Sergei's plight months earlier, and we were saddened and outraged that such a promising life had been cut short and that so few expected his murderers to be held to any account.

Impunity for the murder of journalists, activists, opposition politicians, and now simply an honest citizen was and remains a depressing cliché in Russia under Vladimir Putin's rule, while his regime often ruthlessly punishes people for minor infractions of the law. For those on the wrong side of the Kremlin, the message is clear and chilling. Even the most damning evidence will not suffice to convict the guilty, nor will the most exculpatory evidence spare the innocent.

The need for justice in Russia in this specific case has not diminished with the passage of time. Moreover, the doubling down on the coverup of Sergei's murder and the massive tax heist he exposed implicates a wider swath of Russian officials with the guilt of this heinous crime. It does not need to be this way, nor is it ever too late for a reckoning in this case in the very courtrooms that hosted the show trials that ultimately led to Sergei's death.

As sober as this occasion is, there is reason for hope. Vladimir Putin will not rule Russia forever, and every passing day brings us closer to that moment when someone new will occupy his post. Who that person will be and whether this transition will usher in a Government in Russia that respects the rights of its citizens and abides by its international commitments remain unclear. I hope it does. A Russian Government that returns to the fold of responsible, constructive European powers would increase global security, enhance the prosperity of its own citizens and trading partners, and bring new vigor to tackling complex international challenges such as climate change.

Sergei's work lives on in his many colleagues and friends who are gathering in London this week to celebrate his life and to recognize others like him who seek justice and peace in their countries, often facing and surmounting seemingly impossible obstacles. All too often, they pay a heavy price for their courageous integrity.

Sergei's heroic legacy is exemplified in the global movement for justice sparked by his death and in the raft of Magnitsky laws that began in this Chamber and have now spread to over a dozen countries, including allies like Canada, the United Kingdom, and the European Union. Even as these laws help protect our countries from the corrupting taint of blood money and deny abusers the privilege of traveling to our shores, they also remind those who suffer human rights abuses at the hands of their own governments that we have not forgotten them.

Sergei Magnitsky is a reminder to all of us that one person can make a difference. In choosing the truth over lies and sacrifice over comfort, Sergei made a difference that will never be forgotten.

Fifty-five years ago, Senator Robert F. Kennedy addressed the National Union of South African Students and spoke about human liberty. He spoke about freedom of speech and the right to ''affirm one's membership and allegiance to the body politic—to society.'' He also spoke about the commensurate

freedom to be heard, ''to share in the decisions of government which shape men's lives.'' He stated that government ''must be limited in its power to act against its people so there may be no . . . arbitrary imposition of pains or penalties on an ordinary citizen by officials high or low.''

Senator Kennedy went on to say:

Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current which can sweep down the mightiest walls of oppression and resistance.

Sergei Magnitsky stood up for an ideal. He acted to improve the lot of others. He struck at injustice. He was and remains a ripple of hope.

On this sad anniversary of Sergei Magnitsky's murder, let us all recommit ourselves to helping those in Russia and around the world who seek their rightful share in the governance of their own countries and who deserve the confidence of doing so without fear of harm. If we do this, Sergei will not have died in vain.

I am confident that one day there will be a monument in stone and bronze to Sergei in his native Russia. Until that day, the law that bears his name will serve as his memorial.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNOCK). Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 437, Julianne Smith, of Michigan, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, and that the Senate vote on the nomination without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nomination.

The bill clerk read the nomination of Julianne Smith, of Michigan, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

There being no objection, the Senate proceeded to consider the nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Smith nomination?

The nomination was confirmed.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table, all without intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2022—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senate will now resume legislative session.

The Senator from New Hampshire.

CONFIRMATION OF JULIANNE SMITH

Mrs. SHAHEEN. Mr. President, I would also like to speak to Julie Smith and her qualifications to be Ambassador to NATO.

Julie is, really, very well qualified to represent the United States within our biggest and most significant security alliance. Her 25-year career has focused on transatlantic relations and security. She has served the country as Deputy National Security Advisor and Acting National Security Advisor to then-Vice President Biden.

In 2012, she was awarded the Office of the Secretary of Defense's Medal for Exceptional Public Service. She has worked at some of the country's most esteemed think tanks that address European issues.

As the U.S. confronts challenges around the world, we need to convey our firm commitment to our allies and our alliances. For this reason, it is absolutely critical that we put Julie Smith in place as Ambassador to NATO as soon as possible.

I am really very pleased that those who had a hold on her nomination have finally lifted those holds. It is unfortunate that it has taken so long because, as we look at what is happening in Eastern Europe in particular, and as we look at the migrants who are being used by Belarus—and I assume that Vladimir Putin is behind this, as well, to send those migrants to the Polish border as a way to distract from what is happening in Eastern Europe—clearly, the more equipped NATO is to help deal with those challenges, the better.

If we are going to participate with NATO, we need to have an Ambassador on the ground. It should have happened several months ago, when she was nominated. So I am very pleased that she is going to be able to assume her ambassadorship very soon. As co-chair of the Senate NATO Observer Group, I look forward to working with her in her new role.

But this should serve as a wake-up call to those people in this Chamber who continue to have holds on critical nominees who are important to this country's national security. As I talk to U.S. allies, it is clear that the delay in sending Ambassadors to posts around the world is having a real impact on our relations with our partners; and in the absence of U.S. representation, they are questioning our commitment to our bilateral relationships.

Now, I would like to think that my colleagues who have put these holds on our nominees aren't doing it in an effort to undermine America's security and to undermine this administration in protecting the United States, but, clearly, that is the impact of what they are doing.

I have heard from a lot of my colleagues over the last months about U.S. standing in the world after our withdrawal from Afghanistan. Yet, as they are blocking administration nominees who would work with our allies, who would engage in our shared priorities and values, who would listen to concerns, and who could work together, they are just exacerbating any issues that may exist.

I don't know why they are doing this, but, right now, there are 58 other State Department nominees who are awaiting confirmation on the floor. Every day that passes that we have no Ambassadors in place in countries around the world, our national security is compromised, and I have got a very close-to-home example.

Earlier today, I met with Diane Foley, the mother of James Foley, who was the first American killed by ISIS, and she has done yeoman's work with her foundation to try to help the families of hostages who are being held in countries around the world. She was talking about what we could do to help those families and to do everything to try and help them get their loved ones back—to free the hostages who are being wrongly held around the world.

Well, one of the things we talked about is the fact that, in many of those countries, we don't have Ambassadors because we have holds on those folks who are so important to help those families and to help address American interests in those countries. So what our colleagues are doing by holding up these nominees is undermining the national security of the United States. By grinding to a halt our State Department nominees, a small group of my Republican colleagues has allowed partisan brinkmanship to pervade a critical aspect of our national security.

You know, there was a very important principle established after World War II about partisan politics ending at the water's edge. It is unfortunate that my colleagues on the other side of the aisle are not continuing to support that principle.

We are stronger and safer when our diplomatic corps—those individuals who support Americans and U.S. foreign policy around the world—are supported by capable, Senate-vetted, and Senate-confirmed Ambassadors.

So I hope we will see in the coming weeks a willingness of those few people—it is only two or three people on the other side of the aisle who have held people up—to release those holds in the best interests of America and of our security.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. WARREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT

Ms. WARREN. Mr. President, I rise to speak in opposition to the National Defense Authorization Act.

As written, this legislation authorizes $778 billion in defense spending just for next year alone. That is more money than we spent on defense during the Korean or Vietnam wars. It is even more money than we spent at the height of the extraordinary Reagan defense buildup in the 1980s.

Now Congress is set to pass this bill with virtually no debate and with virtually no discussion about how much money we are spending. Congress keeps the spigot of cash wide open so long as it is for defense. And please note that not one single dollar of this huge defense budget will be offset either with new taxes or with new spending cuts someplace else.

Meanwhile, do you know how much money the President's Build Back Better plan will cost, on average, each year if Congress passes it? $175 billion. That is about one-fifth the size of this Defense bill. And unlike this Defense bill, every single dollar of the President's plan will be offset with new revenue or savings.

But here is the thing: When we want to invest $175 billion a year on childcare and paid family leave and expanding access to healthcare and fighting the climate crisis, and when we are going to offset every single dollar for those new expenses, everybody suddenly becomes so very concerned about spending. When we want to make investments that directly benefit people across this country, we are told ''that costs too much'' or ''that is socialism.'' But when we spend nearly five times that amount of money in the Defense bill, it is just a shrug of the shoulders. Look around this Chamber. It is empty.

And let's be clear where most of this defense money is going. It is largely going to the defense industry. The Pentagon will take this money and give approximately $400 billion to contractors. And nearly 40 percent of that will go to a handful of giant contractors.

This is a huge amount of money in an ordinary year, but 2 years into a global pandemic that has killed 765,000 Americans, it is irresponsible to spend this much money on stuff that isn't saving Americans from what is actually killing them. America's spending priorities are completely misaligned, and the threats Americans actually are facing, the things that are quite literally endangering their lives—like COVID–19 and the climate crisis—don't get this kind of attention.

Let me be clear. We can spend far less money on defense and still protect Americans and American interests. And you don't have to take my word for it. The Congressional Budget Office recently published a report outlining three different avenues for cutting $1 trillion in defense spending over the next decade. None of the three proposals were even close to radical. And, by the way, none of them achieved any savings from nuclear modernization, contract spending, and closing bases.

And before somebody cranks up the outrage machine, let me say I do not believe that we should spend nothing on defense. There are real threats to our Nation and real interests that we must defend. There are some situations that may require military solutions. But this Defense bill goes far beyond that threshold. This bill continues to feed into the wrongheaded idea that America's strength can only be measured by our military domination.

This bill is another example of Congress granting the Pentagon virtually unlimited resources while, at the exact same moment, pinching pennies on things that will make the American economy work for our children and for our seniors, for workers and students and retirees, for everyone who isn't part of a tiny little slice at the top.

These misplaced priorities chip away at the strength of our Nation, and, ironically, they undermine the foundation upon which our military is built. If we don't come to recognize this soon, then all this money will have been wasted, and the world's most powerful military will rest on a foundation of sand.

There are important and valuable provisions in this Defense bill. There are even places where we should spend more money, like on cyber defense, but it is long past time for us to rationalize the Pentagon's budget and align it with the threats we actually face. And this Defense bill, like so many before it, fails miserably to do that. For that reason, I will vote against it.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE AUDIT

Mr. GRASSLEY. Mr. President, on November 15, the Pentagon announced that it completed its fourth consecutive annual audit and received a fourth consecutive failing opinion.

This is what the Pentagon believes: If it somehow merely just conducts an audit, then somehow conducting that audit is a success despite the fact that it has been a requirement under the law for the last 30 years for Agencies—and that means all government Agencies—to conduct and pass an annual audit. The Department of Defense is about the only one that doesn't meet the requirements of the law.

The Department points to other signs of progress, such as that they were able to downgrade one material weakness from a previous audit and the closure of some 450 adverse findings. That, somehow, is progress. It is not progress—at least, it doesn't meet the demands of the law. However, the fact remains that the Department of Defense is unable to accurately account for billions of taxpayer dollars it spends each year.

Funding for the Department of Defense is crucial to our national security. Men and women who volunteer to wear the uniform and, hence, defend our country—these people deserve to be well paid and well equipped.

In light of the rising threats around the globe, it is more crucial than ever that not one dollar is lost to fraud, waste, and abuse. A clean audit, which the Defense Department has never had, is the key to whether Department of Defense money is spent responsibly.

A key underlying problem to the continued failed audits is the financial management systems used by the various military Departments. The Department of Defense uses hundreds of different financial systems that are outdated and are unable to communicate with each other. They cannot generate reliable transaction data and are not auditable.

There are inadequate internal controls in financial management systems, presenting an environment that is ripe for waste and fraud. Without internal controls at the transaction level, military leaders can never know how much things cost.

I have tried to work with leaders in the Department on this subject for years, but time and again, I have been disappointed.

The Defense Department's inability or its unwillingness to make necessary and overdue changes should be unacceptable to any Senator.

I filed an amendment to the bill before the Senate this year to address the root cause of the Pentagon's failed audits. The underlying bill provides for an independent Commission tasked with examining the budgeting and planning processes at the Pentagon. My amendment will require that very same Commission to also make recommendations on bringing financial management systems up to snuff.

The Department of Defense will never be able to get a clean audit opinion while these systems remain unfixed, and the Department of Defense has demonstrated an inability or unwillingness to deploy an accounting

system capable of capturing payment transactions and generating reliable data. If you can't follow the money, you will never be able to get a clean audit.

I am glad that my amendment has been included in the substitute amendment of the Defense bill before the U.S. Senate now, and I urge my colleagues to support this effort through to final passage to finally make real progress towards getting to a clean audit opinion. Fiscal accountability and military readiness are not mutually exclusive. It is not an either-or scenario. Earning a clean bill of fiscal health will strengthen military readiness and boost support for necessary increases to defense spending in Congress, and it would get the backing of the American people to a greater extent than it does today.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Whereupon, Mr. KAINE assumed the chair.)

(Whereupon, Mr. KELLY assumed the chair.)

Mr. REED. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. BALDWIN). Without objection, it is so ordered.

UNANIMOUS CONSENT REQUESTS

Mr. REED. Madam President, I ask unanimous consent to yield back all remaining time on the motion to proceed to Calendar No. 144, H.R. 4350, the National Defense Authorization Act; that if the motion to proceed is agreed to, the Reed-Inhofe substitute amendment No. 3867, as modified with the changes at the desk, be called up and reported by number; further, that it be in order to call up the following amendments to the Reed-Inhofe substitute amendment No. 3867, as modified, in the order listed: 1, Reed No. 4775; 2, Hoeven No. 4482; 3, Sanders No. 4654; 4, Lee No. 4793; 5, Paul No. 4395; 6, Hawley No. 4140; 7, Peters-Portman No. 4799; 8, Scott of Florida, No. 4813 side-by-side to 4799; 9, Durbin-Lee No. 3939; 10, Cardin No. 3980; 11, Luján-Crapo No. 4260; 12, King-Sasse No. 4784; 13, Cruz No. 4656; 14, Kaine No. 4133; 15, Hassan No. 4255; 16, Menendez No. 4786; 17, Marshall No. 4093; 18, Kennedy No. 4660; 19, Sanders No. 4722; 20, Portman No. 4540; that with the exception of the Reed amendment No. 4775, the Senate vote at 9:30 p.m. today in relation to any first-degree amendment offered in the order listed above, with 60 affirmative votes required for adoption of amendments in this agreement, and 2 minutes of debate, equally divided in the usual form, prior to each vote.

The PRESIDING OFFICER. Is there objection?

Mr. RUBIO. Madam President.

The PRESIDING OFFICER. The senior Senator from Florida.

Mr. RUBIO. Reserving the right to object, I—what is missing from this list is the Uighur Forced Labor Prevention Act. In a moment, you are going to hear that it has this procedural problem—blue slips. For anyone who is not familiar with the lingo around here, that means that it is going to generate revenue, and therefore it has to originate in the House. That is what you are going to hear in a moment.

Here is what is so interesting about it. About, I don't know, 4, 5, 6 weeks ago, that very bill passed by unanimous consent in this very Senate.

This bill doesn't have a blue slip problem. It has a bunch of corporations who are making stuff in Xinjiang Province problem. That is what the problem is here. So everyone is aware—everyone here is aware, I hope. In the Xinjiang Province of China, Uighur Muslims are put into forced labor camps where they work as slaves—something that this administration and the previous one termed as ''genocide.''

They work as slaves making products, and there are American companies that are sourcing goods that end up on the shelves in this country. It is, in fact, almost certain that in this very Chamber there is some product that was manufactured by slave labor in China. We passed that bill in the Senate by unanimous consent. Not a single person objected to it. There was no blue slip problem then. Now all of a sudden there is.

This is because there is a bunch—that is why they are killing it in the House. A bunch of these corporations, lobbying against it, doing everything possible, and they know if it gets in this bill it is going to become law.

So I object, and I ask that the request be modified to include my amendment No. 4330.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. REED. I object to the modification, Madam President.

The PRESIDING OFFICER. Objection is heard to the modification.

Is there objection to the original request?

Mr. RUBIO. I object.

Mr. REED. Madam President.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I renew my request.

The PRESIDING OFFICER. Is there objection?

Mr. DAINES. Madam President.

The PRESIDING OFFICER. The junior Senator from Montana.

Mr. DAINES. Madam President, reserving the right to object, border security is national security. That is why I rise today to speak on my amendment No. 4236, to block President Biden's outrageous taxpayer-funded handouts to illegal immigrants who broke the law and entered our country illegally.

At a time when American families are struggling because of Bidenflation, when families are paying more for everything from gas to groceries, to heating their homes, the President wants to give up to hundreds of millions of your taxpayer dollars to illegal immigrants as a reward for breaking the law.

Don't forget, we still have a crisis on our southern border, and we should be doing all that we can to secure our southern border, not incentivize illegal immigration.

These taxpayer-funded handouts to illegal immigrants are outrageous, and I would urge my colleagues to allow a vote on my commonsense amendment.

Therefore, I ask unanimous consent to modify the request to include my amendment No. 4236.

Mr. REED. Madam President.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. REED. I object to the modification.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the original request?

Mr. DAINES. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REED. Madam President, I renew my request.

The PRESIDING OFFICER. Is there objection?

Mr. TOOMEY. Madam President.

The PRESIDING OFFICER. The junior Senator from Pennsylvania.

Mr. TOOMEY. Madam President, reserving the right to object, I would just like to bring to my colleagues' attention to the front page of the Wall Street Journal, the lead story, the headline above the fold today, ''Annual Drug Overdose Deaths Top 100,000, Setting Record.'' For the 12 months ending in April, alltime record number of fatalities—a big majority of them opioids, mostly synthetic opioids, driven primarily by fentanyl. Unbelievable. Think of 100,000 new families in the last 12 months that will have an empty seat at the Thanksgiving Day dinner next Thursday.

Pennsylvania has been hit as hard as any State, but every one of our States has been hit hard by this.

So why am I objecting to this?

Because I have an amendment that at least on the margins would help. It is simple, and it is common sense. It adds fentanyl to the majors list. The majors list is the list that includes the countries that the President has to identify as the largest producers of illicit fentanyl. That is China. Let's be clear. But once these countries—any country—is identified as a big producer of fentanyl, my bill would require those countries to prosecute drug traffickers and schedule fentanyl as a class, and if they do not, then they are not doing all they could and should be doing to keep fentanyl off our streets; in which case, under my amendment, the President would be authorized to withhold certain categories of foreign aid.

This bill is so noncontroversial and common sense, it has actually already passed this body just last year.

It is bipartisan. Senator MAGGIE HASSAN from New Hampshire, a Democrat, is my partner on the underlying bill.

And I would point out to my colleagues, I don't have any objection to anyone getting an amendment vote. I am not holding up anybody's votes, as long as we get this chance to reduce the flow of fentanyl coming into America.

So I ask to modify the request to include my amendment No. 3925.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. REED. Madam President, I object to the modification.

The PRESIDING OFFICER. There is objection. Objection is heard.

Is there objection to the original request?

Mr. TOOMEY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REED. Madam President, I renew my request.

The PRESIDING OFFICER. Is there objection?

Mr. RISCH. Madam President.

The PRESIDING OFFICER. The junior Senator from Idaho.

Mr. RISCH. Madam President, I am reserving the right to object.

I want to speak today on behalf of my amendment, Risch No. 4794, which is not included on that list, which I have introduced with cosponsors Senators PORTMAN, CRUZ, BARRASSO, JOHNSON, COTTON, DAINES, and WICKER.

This amendment is the Senate companion to bipartisan language that already is included in the House-passed NDAA which would sanction Nord Stream 2, Putin's premier energy weapon against Ukraine and Europe.

The timing could not be more important. Ukraine stands on the brink of an invasion, and Europe is in the throes of an energy crisis created by Russia.

There is a reason Ukraine's President Zelensky tweeted an urgent request last week regarding this amendment, which said:

[A]ll friends of Ukraine and Europe in the US Senate [should] back this amendment.

We are now seeing the consequences of the administration's decision to waive mandatory PEESA sanctions and refusal to impose CAATSA sanctions.

Russia has deliberately cut gas transmission to Europe through Ukraine and is using high energy prices to pressure the EU into approving Nord Stream 2 as quickly as possible. Putin has publicly stated as such.

Meanwhile, Russian forces have built up along the border of Ukraine in preparation for what could be a full-scale invasion, just as they did to the Crimea.

Remember, Nord Stream 2 is designed to replace Ukraine's gas transit system, meaning Russia no longer has to worry about destroying its own infrastructure in the event of full-scale war.

We cannot allow Putin's blackmail to succeed. Nord Stream 2 has always been a bipartisan issue here in the Senate, and it should continue to be. Not a single Member of Congress supports the completion of this pipeline. I would like to think a similar number of us don't think we should ignore our friends in Europe, particularly Central and Eastern Europe, who stand to lose the most from Nord Stream 2.

Our amendment would impose mandatory sanctions against Nord Stream 2 AG, the company responsible for the project, as well as the companies involved in testing and certifying the pipeline before it can become operational.

We do provide the administration with a pathway to lifting these targeted sanctions, pending, of course, congressional review. This pathway is the exact same process for congressional input that 98 Senators voted for in CAATSA just a few years ago.

Nord Stream 2 is not set to become operational for months so there is still time to stop it, but we need to act quickly.

I urge my colleagues to join our distinguished colleagues in the House of Representatives on this important endeavor and to vote yes on this amendment.

Therefore, I ask unanimous consent to modify the request of the distinguished Senator REED and include my amendment No. 4794.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. REED. Madam President, I object to the modification.

The PRESIDING OFFICER. Objection to the modification is heard.

Is there objection to the original request?

Mr. RISCH. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REED. Madam President, I renew my original request.

The PRESIDING OFFICER. Is there objection?

Mr. CRUZ. Madam President.

The PRESIDING OFFICER. The junior Senator from Texas.

Mr. CRUZ. Reserving the right to object, 2 years ago, I authored bipartisan legislation sanctioning any company that participated in building Nord Stream 2. That legislation passed Congress overwhelmingly, and Democrats and Republicans overwhelmingly supported it. That was passed on the NDAA, the National Defense Authorization Act.

A year ago, I authored a second set of bipartisan sanctions on Nord Stream 2. That second set of bipartisan sanctions again passed overwhelmingly with the support of Democrats and Republicans in this Chamber. That second set of bipartisan sanctions likewise passed on the National Defense Authorization Act.

Today, the Democrats are objecting to passing sanctions on Nord Stream 2.

What has changed?

Two things have changed. No. 1, today Joe Biden is President and not Donald Trump. And the Democrats were more than willing to stand up to Russia when Donald Trump was President, but when Joe Biden is President, suddenly it is untenable for Democrats to stand up to Russia.

But, secondly, it is even worse because what has also changed is that Joe Biden has utterly and completely capitulated to Vladimir Putin. He has waived the mandatory sanctions that this body passed. He has given a multibillion-dollar generational gift to Putin. This strengthens Russia. Decades from now, successor dictators in Russia will reap billions of dollars that they will use for military aggression against Europe, against America, and it will be because Joe Biden utterly and completely capitulated.

So why are Senate Democrats objecting to a vote on Nord Stream 2?

Because they cannot defend Joe Biden's surrender to Putin on the merits. They don't want to vote on it because it would be politically inconvenient for this White House that has undermined the national security of the United States and has weakened our allies. Right now, energy prices are skyrocketing in Europe because Joe Biden surrendered to Vladimir Putin.

We have twice passed Nord Stream 2 sanctions on the NDAA. After Biden's surrender to Putin, we should do so again. My Democratic friends who have given speech after speech after speech against Nord Stream 2, against Russia, should demonstrate they mean what they say and that they are not simply interested in being political protectors for a Democratic President.

Accordingly—and I would note, by the way, in response to every amendment that has been called up, the Democrats have not seen fit to provide even a word of substantive argument in response. So I am going to predict you are not going to hear the President, Joe Biden, surrender to Russia. You are not going to hear any defense of Nord Stream 2. You haven't heard any substantive defense. You are going to hear two words—''I object''—because the Democrats are afraid of taking this vote.

I believe we are elected here to represent our constituents and the interests of the United States, and we should have the courage to do so. Therefore, I ask to modify the request to include amendment No. 4794.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. REED. Madam President, I object.

The PRESIDING OFFICER. Objection to the modification is heard.

Is there objection to the original request?

Mr. CRUZ. My prediction was accurate, and I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REED. Madam President, I renew my original request.

The PRESIDING OFFICER. Is there objection?

The junior Senator from Alaska.

Mr. SULLIVAN. Madam President, in reserving the right to object, I am requesting a vote on my amendment No. 4329.

I am very disappointed that my Democratic colleagues will refuse to vote on this very simple, very important, very constitutionally correct amendment that also dramatically could impact military readiness, which is why it is so important to discuss it here as we are debating the NDAA.

My amendment is simple. It prohibits the Department of Defense from enforcing President Biden's vaccine mandate on contractors and subcontractors. That is it.

Why is this important?

Well, look, we all want to put the vaccine behind us. There is no doubt about that. We have all been vaccinated here. I think most of us have encouraged our constituents, in consultation with their physicians, to do the same.

First and foremost, as to this vaccine mandate, it is becoming increasingly clear it is not constitutionally based, and it is not based in statute, and I think the American people are seeing that on a daily basis. So it is an issue of not just the constitutional authority of the President, but it is an issue of the principle that got us all through the pandemic last year.

If you will remember, one of the most important principles that we had as we were working on COVID relief—whether in the CARES Act or other aspects of legislation that we had with regard to COVID relief for our citizens—was this: If you got relief, whether you were a small business, from the PPP, or were an airline or a defense contractor, the law said you had to keep your employees—that you had to keep them together—employers and employees together. That was the principle that all of us—Democrats and Republicans and the Trump administration—agreed on during the pandemic, and it worked. Many of these workers were on the front lines, helping us get through the pandemic.

This President, with his mandate, has taken a sledgehammer to that principle. Not only are we now saying employers and employees stick together; he is saying to employers: If you don't listen to the President, employers in America, you have to fire your employees.

Think about that. That is exactly the opposite of what we all agreed on last year as we were trying to get this Nation through the pandemic. So it is fairness. It is the principle that matters.

And here is the final thing—and I think we are going to see this. It is a readiness issue for our military.

I have been talking to the White House. I am trying to get them to rescind this mandate. They have consistently said: Well, it is only going to impact about 1 percent of the workforce. We can't afford anybody getting fired from their job, but they think it is about 1 percent.

I was home in Alaska last weekend. This could impact contractors, and 10, 15, 20 percent of their workforce might not be working—defense contractors—hurting readiness.

Again, during the pandemic, we were asking these Americans to show up at work and make sure our defense industries were strong, and now the President is telling these same contractors: Go fire your employees—oh, by the way, over the holidays.

So I think this is a very simple, reasonable amendment that will help readiness. Therefore, I ask to modify the request to include my amendment No. 4329.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. REED. Madam President, I object to the modification.

The PRESIDING OFFICER. Objection to the modification is heard.

Is there objection to the original request?

Mr. SULLIVAN. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REED. Madam President, I renew my original request.

The PRESIDING OFFICER. Is there objection?

Mr. LANKFORD. Madam President, I object.

The PRESIDING OFFICER. The junior Senator from Oklahoma.

Mr. LANKFORD. Madam President, in reserving the right to object, this is an astounding thing. This is a conversation that has happened today about amendments to the National Defense Authorization Act.

Now, I haven't been here very long, but, typically, an NDAA takes about 2 weeks on the floor to be able to process, and there is a lot of conversation about different amendments. There are managers' packages; there are big groupings of packages that come together that are noncontroversial; and there will be a series of votes that are side by side with other votes. It has already been set up for 20 votes. That is terrific. That is a great start.

Then there is a request for some other things that are pretty typical, actually. There have been requests just in the last couple of minutes on military contractors and the vaccine mandate that will certainly affect our military readiness. That is certainly defense related.

There is human trafficking in China and whether products are coming through. That is pretty straightforward. In fact, that passed unanimously through this body. That doesn't seem that controversial to be able to be in here.

There are conversations about fentanyl and the origin of fentanyl, where that is coming from. That shouldn't be controversial to try to protect the country, but, suddenly, that amendment has been blocked.

Nord Stream 2—Ukraine and Russia—has not been a controversial issue for us. This body has laid down sanctions multiple times on the NDAA on this exact issue, and now it is being blocked. You can't even debate it.

Myself and Senator DAINES both brought up things tonight dealing with border security, which is certainly national security: 1.7 million people we know of have illegally crossed our southwest border this year. It is the highest number of illegal crossings in the history of our country—1.7 million. But, on January 20 of this year, President Biden stopped construction on the border wall—in many places, literally where they only had to hang the gates and install the electronic infrastructure there. That was all that was left, but it stopped.

Why is this connected to national security?

Well, certainly, border security is national security. Also, part of this funding did come out of defense funding. It is being done by the U.S. Army Corps of Engineers in many places.

On top of that, this year, so far—just so far this year—we have paid contractors $2 billion not to build the wall. These were contracts that had already been let out to do the construction. We are continuing to pay about $3 million a day to contractors not to complete the wall in sections, by the way, that career individuals had selected—that section and that design—and then had to prove that that was the right place and the right design to both Republican and Democrats in this body, which they did. Now we are wasting $2 billion to not do national security.

My amendment is very straightforward. We take the contracts that are already out there, and we complete those sections of the wall that have been approved by career individuals. Let's complete those sections and not just throw the money away and waste two billion of American taxpayer dollars, but actually use it for national security.

So, in saying that, I ask that the request be modified to include my amendment No. 4100.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. REED. Madam President, I object to the modification.

The PRESIDING OFFICER. Objection to the modification is heard.

Is there objection to the original request?

Mr. LANKFORD. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REED. Madam President, I renew my original request.

The PRESIDING OFFICER. Is there objection?

Mr. RISCH. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REED. Madam President, I believe I have the floor.

The PRESIDING OFFICER. The Senator has the floor.

Mr. REED. Madam President, we began this process for the National Defense Authorization Act months ago. In

July, in working closely with the ranking member and all of my colleagues on the committee, we passed a bipartisan National Defense Act which was focused on the fundamental rationale for our National Defense Act: the men and women of the Armed Forces; the equipment that they need; the new technology, which is absolutely necessary as we go forward; the family lives of these men and women and their development; along with the weapons that they will use.

This has been the focal point. As a result, we produced a committee report with a bipartisan majority of 23 to 3.

We continued this bipartisan approach as we came into the floor debate. We have already included in the substitute amendment, which will be offered, approximately 60 amendments, on a bipartisan basis, that cover a range of topics which have been agreed to by both sides. Again, everything we have done to this point has been on a bipartisan basis.

Indeed, this unanimous consent that I have proposed is bipartisan. It incorporates amendments from both my Republican colleagues and my Democrat colleagues. It does so, as we must, in a way that accommodates as many as we can, but we cannot and have never been able to guarantee that every amendment offered could be incorporated into the bill.

So what we have here is, in a way, a crossroads. We have tried since the very inception to produce a bipartisan bill and a bipartisan floor action and a bipartisan final vote on the National Defense Act in the U.S. Senate.

We have to get there because—again, I can hear my colleagues talk about Nord Stream, and that is very interesting and a very important issue; I can hear them talk about border security; I can hear them talk about forced labor in China; I can hear them talk about illegal immigrants.

Ultimately, this is about the men and women who wear the uniform of the United States, and we can't leave them behind. The proposals might be meritorious, but we have to move forward and give those men and women the tools they need to defend the Nation.

Again, I can't emphasize enough how, in working together with my colleagues and ranking member, we have tried at every juncture to be inclusive, to be bipartisan, to have recognized as many of the issues as we could. And we have to do that in the context, frankly, of the fact, in the Senate, as has been demonstrated tonight, one person can stand up and say: No, I didn't get what I want, and no one is going to get anything.

I think we have done a very good job, frankly—and I might not be objective—in producing a national defense act that, at this juncture and with these additional amendments, would be more than worthy for final consideration by the Senate.

But what is, again, somewhat disconcerting to me is that, by analogy, you can say everything is national defense. But the people who ultimately suffer, if we cannot get to passage and then deliberation with the House and then a final bill sent to the White House—it is not only that these problems that we have tried to address be unaddressed, but we will send a very powerful message to the men and women in the Armed Forces: We don't have your back. We are too busy squabbling amongst ourselves about issues of the border, Nord Stream, and other issues.

So I would hope that we could move forward. The regret is that at this juncture, we are abandoning approximately 20 amendments on a bipartisan basis that would have addressed many of the concerns of my colleagues in the Senate. Some are directly related to national defense and some are not, but they were agreed to by both sides, and they would be added to this legislation.

But at this juncture, our responsibility is—and it cannot be avoided—moving forward, of passing our defense bill, and then working with the House to send up to the President of the United States a bill worthy of the sacrifice and service of those who wear the uniform of the United States.

Mr. INHOFE. Would the Senator yield?

Mr. REED. With that, I would yield to the ranking member.

Mr. INHOFE. Let me thank my partner there for all the hard work that we have done together.

Not many people understand the process that we go through every year. It is an exhaustive process to get just to where we are today.

First of all, I would say that, out of all the amendments that were discussed, I support all of them. We didn't get a chance to really see who did and who didn't support them, but I support them all.

When we start one of these processes each year—we do this every year—the first thing we do is that we send a notice out. We send a notice out to each Member and ask each Member: What types of things are you interested in?

And we send this out to all—to each Member of the House and the Senate, and they send their notices in as to what they want, when they want it, and how they want it. Then we put them and marry them in with other Democrats and Republicans who want the same thing and try to get these lists shaved down a little bit. And we have been successful in doing it. Right now, there are 60 cleared amendments. That is 60. That is about the same number we had last year and the same number we had before.

I was disappointed that we had to waste a lot of time. My fellow Senator from Oklahoma, JAMES LANKFORD, made the comment that we should have been on this bill for 2 weeks or longer. I agree; we should have. We couldn't do it. We didn't have it.

I have to say that the leader—the Democratic leader—didn't allow this to come up so that we could do this. We didn't have a choice. As Republicans, we didn't have a choice, and we were united in wanting to get started earlier. As a result of that, a lot of Democrats and Republicans have lost their opportunity to get heard and to have amendments considered.

The system is good. It is one that has worked for a long time. This is going to work. When we stop to think about the number of hours that are spent wading through all of these amendments, this does take place.

I would compliment our chairman of the committee. We have worked very well together. We have gotten to this point. We will have to get this thing finished, and we will. But, nonetheless, we have an exhaustive policy that we have considered year after year after year. That is where we are today.

With that, I yield the floor.

Mr. REED. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Madam President, Democrats have been working in good faith for several days—actually, for several months, really—to pass this defense legislation.

The bill before us was produced through a bipartisan committee process and included the input of at least three-fifths of Senators from both sides of the aisle. It is unfortunate that we cannot move forward tonight.

Yesterday, we agreed to delay the initial cloture vote after the Armed Services Committee's ranking member requested more time to work on a managers' package to include more input from Members. The managers' package now include 57—57—amendments; 27 from Republicans, 27 from Democrats, and 3 bipartisan amendments.

Further, we just proposed votes on 18 amendments, 3 of which are bipartisan and 8 of which are Republican-led amendments. We could start voting on them tonight, but unfortunately, the other side won't agree—or some on the other side won't agree.

Democrats have demonstrated all year that we are more than willing to work in good faith on amendments here on the floor. This year, more amendments have received rollcall votes than during any of the past 4 years. Members on both sides want to get this done. So these delays are unfortunate. There is no good reason to keep delaying. We should move the process forward.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. WYDEN. Madam President, in a few moments, I will put forward a request to the Senate to take up and approve the nomination of an Oregonian, my friend Chuck Sams, President Biden's choice to lead the National Park Service.

I am just going to take a few minutes to talk about Chuck Sams and why he is the right person for this critical job.

Colleagues, we all know that the Park Service is often called America's best idea, and together those parks form a network of treasures that no other country can match.

The fact is, the National Park Service is not only about the views and the photo-ops. It is all about our country. It is what makes our country so special for so many.

The Director of the National Park Service is in charge of an organization of over 22,000 employees and almost a quarter million volunteers. The National Park System generates tens of millions of dollars of economic activity. The people of my State know particularly how important those critical outdoor treasures are for rural economies and rural jobs.

The fact also is that there are park units in every State in the country—urban parts, rural parts, historic American buildings, ancient archeological sites—and personnel at the Park Service do it all, from education to preservation, to maintenance, and even resilience against wildfire.

Chuck Sams has been a longtime Umatilla Tribal leader, and there he has served in a variety of roles. He is a member of the Northwest Power and Conservation Council, working with officials from across the Pacific Northwest. He is a veteran of the U.S. Navy. He is a role model—a role model—in so many respects, and particularly in the stewardship of America's lands, waters, wildlife, and history. And the Congress and the parkgoers are going to rely on him in the months and years ahead because we all know the Park Service faces big challenges.

I am going to wrap up and make my unanimous consent request, but, first, I want to commend my colleague from Alaska. My colleague and I have been working pretty much through the day.

I will be brief. I just want to thank the Senator from Alaska. We have been working throughout the day to resolve the whole issue of the Sams nomination.

This is a wonderful person who is going to give public service a really good name when he is confirmed.

My colleague from Alaska has raised a number of issues that he considers very important to his State. He and I have worked together on a variety of these issues, both from the standpoint of the Energy Committee and most recently as chairman of the Finance Committee, when we have worked on some tax issues. So I want to thank him for his cooperation that is going to make it possible for us to advance this nomination tonight.

Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 508, Charles F. Sams III, of Oregon, to be Director of the National Park Service, and that the Senate vote on the nomination without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SULLIVAN. Madam President.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Madam President, I just want to thank Senator WYDEN for his cooperation working on this nominee. Mr. Sams, I do agree, is qualified.

We had a long discussion this afternoon about some of the big issues that are impacting my State as it relates to the National Park Service.

You know, a lot of people love the National Park Service. Two-thirds of all National Park Service land in America is in Alaska—tens of millions of acres. It is bigger than almost every other State represented here on the Senate floor. That is just the National Park Service.

For decades, that Federal authority—the National Park Service authority in Alaska—has been abused. How do we know that it has been abused? Well, we recently had two—two—U.S. Supreme Court decisions that were 9-to-0 decisions, by the way, that essentially said the Park Service was not following the law in Alaska—two.

So my discussions with Mr. Sams and the commitments he made to me, I think, are going to help Alaska. I think they are going to help the National Park Service, and it is related to the National Park Service authorities.

After these two decisions—they were called the Sturgeon decisions—two in a row, at the U.S. Supreme Court, 9 to 0, by the way, and the U.S. Supreme Court telling the National Park Service: You are not following the Alaska National Interest Lands Conservation Act. We call it ANILCA in Alaska. You are not following the Federal Government. You need to follow it.

So the commitment I got from Mr. Sams was there was a recent regulation from the Federal Government in November of 2020 providing specifics of how the National Park Service was going to implement these two U.S. Supreme Court cases—the Sturgeon case. And he committed to me to be true to these regulations and to faithfully execute these regulations in the National Park Service on implementing Sturgeon. That is a very big deal in Alaska.

He also committed to have all of his senior Alaska staff and senior staff here in Washington, DC, take ANILCA training. This is a giant statute. The Federal Government often screws it up, and it has a negative impact on my State. So he committed to me that he will have his top leadership at the National Park Service take training to understand this complicated law. That will also help my constituents and the country very much.

So I want to, again, thank Senator WYDEN for working with me on these issues. These are important commitments that Mr. Sams has made, and I have no further objection to this nominee's confirmation.

The PRESIDING OFFICER. If there is no objection, the clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Charles F. Sams III, of Oregon, to be Director of the National Park Service.

There being no objection, the Senate proceeded to consider the nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Sams nomination?

The nomination was confirmed.

The PRESIDING OFFICER. The senior Senator from Oregon.

Mr. WYDEN. Madam President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table, all without intervening action or debate; that no further motions be made in order to the nomination; that any statements related to the nomination be printed in the Record; that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2022—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senate will now resume legislative session.

MORNING BUSINESS

NOTICE OF A TIE VOTE UNDER S. RES. 27

Mr. MANCHIN. Madam President, I ask unanimous consent to print the follwing letter in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE, COMMITTEE ON ENERGY AND NATURAL RESOURCES,

November 18, 2021.

TO THE SECRETARY OF THE SENATE: The nomination of Laura Daniel-Davis, of Virginia, to be an Assistant Secretary of the Interior, vice Joseph Balash, resigned, PN 761,

having been referred to the Committee on Energy and Natural Resources, the Committee, with a quorum present, has voted on the nomination as follows—

On the question of reporting the nomination favorably with the recommendation that the nomination be confirmed, 10 ayes to 10 nays.

In accordance with section 3, paragraph (l)(A) of S. Res. 27 of the 117th Congress, I hereby give notice that the Committee has not reported the nomination because of a tie vote and ask that this notice be printed in the RECORD pursuant to the resolution.

JOE MANCHIN III,
Chairman.

VOTE EXPLANATION

Ms. CANTWELL. Madam President, on November 15, 2021, I was unable to be present for the rollcall vote No. 466 on the Motion to invoke cloture on Executive Calendar No. 401, the nomination of Graham Steele to be an Assistant Secretary of the Treasury.

However, had I been present, I would have voted in favor of the motion to invoke cloture. I supported Mr. Steele's nomination based on his strong track record as a respected expert on financial policy and consumer protection and his years of service in senior level positions here in the Senate.

WORLD DAY OF REMEMBRANCE FOR ROAD TRAFFIC VICTIMS

Mr. VAN HOLLEN. Madam President, November 21, 2021, will mark the 26th World Day of Remembrance—WDoR—for Road Traffic Victims, commemorating the millions of people killed and injured on the world's road. It is also a day to thank emergency responders for their role in saving lives, to reflect on the impact of road traffic deaths and injuries on families and communities, and to draw attention to the need for improved legislation, awareness, infrastructure, and technology to save more families from the tragedy of losing a loved one.

More than I million people die from road crashes every year, and tens of millions are seriously injured. Road traffic crashes are the No. 1 killer of young people aged 15–29 and the eighth leading cause of death among all people worldwide. Rochelle Sobel, president of the Association for Safe International Road Travel, highlighted the gravity of this issue and the imperative to fix it: ''Every 27 seconds, somewhere in the world, a person dies in a road crash.''

On this 26th anniversary of World Day of Remembrance for Road Traffic Victims, it is important to remember the history and recommit to the goals of this day. It was initiated in 1995 as the European Day of Remembrance and quickly spread around the globe to countries in Africa, South America, and Asia. In 2005, the United Nations General Assembly adopted resolution 60/2, recognizing November 15 as the World Day of Remembrance for Road Traffic Victims. Since that time, the observance of this day has continued to spread to a growing number of countries on every continent.

This year marks the start of the new Decade of Action for Road Safety 2021–2030, during which the WDoR will highlight the reasons for all of the necessary actions to be taken during this coming decade. Indeed, the day has become an important moment to focus international attention on this preventable epidemic and as an advocacy tool in global efforts to reduce road casualties. As a result of the growing awareness and global call to action that World Day of Remembrance for Road Traffic Victims has generated, in September 2020, the United Nations passed a resolution declaring the years 2021 to 2030 a new Decade of Action for Road Safety. The declaration affirms the UN's commitment to work vigorously to implement a new, ambitious agenda to halve road crash deaths by 2030.

Additionally, the United Nations Sustainable Development Goal 3.6 calls on governments and their stakeholders, including NGOs and private citizens, to address the personal, medical, and financial burdens associated with road traffic deaths and injuries.

The devastation of losing a child, parent, sibling, partner, friend, caregiver, or caretaker is immeasurable, as are the challenges of caring for a permanently disabled loved. Road traffic crashes are preventable, and so we owe it to our communities to work together so that the hopes and dreams of our loved ones are not shattered on the roads of the United States and the world. We must all take action to prevent these avoidable tragedies and save lives.

TRIBUTE TO JANET COIT

Mr. WHITEHOUSE. Madam President, I rise today to honor Janet Coit, one of Rhode Island's most respected environmental advocates. Ms. Coit is the newly appointed Assistant Administrator for the National Oceanic and Atmospheric Administration's National Marine Fisheries Service. She joined NOAA after a decade of committed service leading the Rhode Island Department of Environmental Management under three Governors.

After graduating from Dartmouth College and Stanford Law School, where Ms. Coit was a member of the Environmental Law Journal, she served as counsel to the U.S. Senate Committee on the Environment and Public Works. She went on to serve as counsel and environmental coordinator for the late Senator John Chafee and, subsequently, his son Senator Lincoln Chafee.

Ms. Coit then returned to Rhode Island and began a decade of work as the State director for the Nature Conservancy, where she oversaw some of the State's largest land conservation projects.

Ms. Coit went on to be appointed by Governor Lincoln Chafee to serve as director of the Rhode Island Department of Environmental Management. Governors Raimondo and McKee wisely kept her in that position. Her legacy at DEM includes streamlined permitting processes, new opportunities for families to connect with nature, and improved customer service. As the longest serving chief executive in DEM's history, she focused on public parks, promoting local food systems, Rhode Island's fishing and shellfish industries, and climate solutions. She seized opportunities to coordinate regional efforts, including addressing equity and justice issues, improving water quality, managing PFAS contamination, and fighting the climate crisis. In this capacity, she also served as chair of the Rhode Island Executive Climate Change Coordinating Council and on the board of directors for the Regional Greenhouse Gas Initiative. She has received numerous awards for her outstanding contributions at DEM.

In June, the Biden-Harris administration appointed Ms. Coit to lead NOAA Fisheries, where she oversees fisheries management, protected species, and fisheries habitat conservation. She also serves as the Acting Assistant Secretary of Commerce for Oceans and Atmosphere and Deputy Administrator, supporting and managing NOAA's coastal and marine programs.

We are fortunate that exceptional people like Ms. Coit choose to dedicate their careers to public service. I am proud to recognize her today and thank her for her many contributions to the State of Rhode Island and the Nation.

TRIBUTE TO DEBORAH SUE MAYER

Mr. COONS. Madam President, I rise as chairman of the Select Committee on Ethics, and on behalf of the vice chairman, members of the committee, and its staff, to pay tribute to Deborah Sue Mayer as she retires after 23 years of Federal service including the last 6 as chief counsel and staff director of the Select Committee on Ethics. As a paramedic, a naval officer, and attorney, Deb's career tells the story of a life dedicated to public service. She joined the Senate in January 2015 after 4 years as director of investigations for the House Committee on Ethics. From 2002 to 2011, Deb was a prosecutor with the U.S. Department of Justice; beginning as an Assistant U.S. Attorney in the Eastern District of New York's Organized Crime and Racketeering Section. Deb went on to serve in the Department of Justice Public Integrity Section of the Criminal Division, where she investigated and prosecuted corruption at all levels of government throughout the United States. Since 1998, Deb has served as a Judge Advocate in the U.S. Navy, first on Active Duty and continuing her career in the Reserve Force.

In her time as chief counsel and staff director, Deb personally advised members of the Committee and Senate,

oversaw the nonpartisan staff in providing ethics advice and education, administered the Senate's financial disclosure program, modernized and redesigned the committee's website, and conducted investigations and enforcement of ethics rules, laws and standards of conduct. Beyond the Senate, Deb represented the committee at conferences and on councils around the country and abroad. In all these efforts, Deb brought her trademark dedication to rigorous accuracy and precision. On behalf of the members and staff of the Select Committee on Ethics, I thank Deb for her decades of service to our country and commitment to the U.S. Senate. I offer my sincere best wishes and gratitude to Deb and her family as she begins her retirement.

Thank you, Deb.

TRIBUTE TO GENERAL JOHN E. HYTEN

Mrs. FISCHER. Madam President, I rise today to congratulate Gen. John E. Hyten on his retirement from the U.S. Air Force. I also want to extend my congratulations to his wife, Laura, and note the remarkable bond they share. Their partnership in life has enabled his success in uniform, and his achievements are truly theirs.

Across four decades of service, General Hyten has risen through the ranks to become one of the most respected voices in our military, and many in this Chamber rely on his deep knowledge and expertise. This is especially true on matters relating to space and nuclear deterrence.

I got to know General Hyten when he became a Nebraska constituent following his appointment to be the commander of U.S. Strategic Command in 2016. This was actually General Hyten's second tour of duty at Offutt Air Force Base, having previously commanded the 6th Space Operations Squadron there in the late nineties.

During his 3 years as the commander of STRATCOM, I was privileged to work closely with him, not just as the senior Senator from Nebraska, but also the chair of the Senate Armed Services Committee's Strategic Forces subcommittee, which directly oversees STRATCOM's mission areas.

During this span, we witnessed a marked shift in the strategic landscape, with worrying trends with respect to adversary behavior in space and investment in nuclear arms greatly accelerating. This elevated the importance of STRATCOM's mission and meant that, as its commander, General Hyten was on the front line of some of the most daunting security challenges facing our Nation.

During his tenure, he played a key role in the Department of Defense's response to these evolving threats. As space transformed into a warfighting domain, his candid advice was invaluable in Congress reorganization of the Department of Defense's space enterprise, including the creation of the Space Force and elevation of Space Command to a full-fledged unified combatant command.

He was also an extremely effective advocate for our Nation's nuclear forces, which continue to be the bedrock of our national security. As a vocal champion of nuclear modernization, he helped make the case for renewing the triad and broadening the modernization conversation to increase focus on nuclear command, control and communications—or NC3—systems, as well as National Nuclear Security Administration's nuclear complex.

He played an important part in drafting the 2018 Nuclear Posture Review, which marked the first time since the end of the Cold War that an NPR occurred against a backdrop of growing nuclear threats and therefore had to confront the uncomfortable reality that Russia and China had not followed our lead in reducing nuclear stockpiles.

He explained the problem with his customary candor: ''When we started de-emphasizing nuclear weapons, what did the rest of the world do? The rest of the world did exactly the opposite. So if we de-emphasize nuclear weapons, we're putting the country at jeopardy and we can never allow that to happen.''

Those sage words are still true today and should continue to guide U.S. nuclear policy. They also reflect another of General Hyten's characteristics that I value greatly: his unwavering focus on the threats facing our Nation. A tireless advocate for a return of threat-based planning, he always endeavored to base his approach on the changing threat picture and to educate those around him about the activities of our adversaries.

When he was nominated to be the next Vice Chairman of the Joint Chiefs of Staff, I felt very strongly that he was the right leader, with the right expertise, at the right time. I knew he would bring all of the qualities that distinguished him as a STRATCOM commander to bear in his new role, and he did not disappoint.

As Vice Chairman, he continued to discharge his responsibilities with great professionalism and dedication, and his confirmation to the position also meant that the Nation could benefit from his leadership for 2 more years.

Sadly, that time is at an end. And while the 40 years of exemplary service Gen. John Hyten has rendered make this retirement well-earned, I hope he will continue to share his wisdom and counsel. I wish General Hyten and his wife, Laura, a wonderful retirement together and all the best in their future.

AFGHANISTAN

Mrs. BLACKBURN. Madam President, the Biden administration's disastrous withdrawal from Afghanistan jeopardized our national security, empowered our enemies, and put thousands of innocent lives in jeopardy. But as the situation devolved, stories emerged of heroic efforts to push back the Taliban's advance and save stranded Americans, allies, and Afghan partners from the clutches of one of the world's most dangerous terror organizations.

Today, I want to honor a group of unsung heroes who joined this effort from the home front. Team Blackburn is blessed to include a dedicated and tenacious group of caseworkers and personal staff who treat the needs of Tennesseans like those of their own families. During those chaotic weeks, these people fielded hundreds of panicked calls for help from and on behalf of Tennesseans who were trapped behind enemy lines. They used every resource at their disposal, leveraged every connection they could think of and worked more than a few miracles to bring those Tennesseans closer to home.

On behalf of the Volunteer State, I thank the following members of my staff who went above and beyond on behalf of the common cause of freedom: Elizabeth Kelly, Payton Scott, Kayley Russell, Heather Hatcher, Josh Knell, Jeri Wheeler, Dana Magneson, Caroline Diaz-Barriga, Kim Cordell, Mac McCullough, Alexander Gonzalez, Grace Burch, Jay Strobino, John Clement, Edward Pritchard, and Emily Manning.

TRUMP ADMINISTRATION

Mrs. HYDE-SMITH. Madam President, the U.S. Supreme Court is set to hear the most anticipated abortion case in nearly 30 years when it considers Dobbs v. Jackson Women's Health Organization in oral argument on December 1, 2021. This development allows us to consider the many people whose dedication to the pro-life cause has led us to this point. One of those people is former President Donald J. Trump. The pro-life movement would not be where it is today absent his advocacy for pro-life policies and for conservative judges.

In January 2016, Presidential candidate Trump said, ''America, when it is at its best, follows a set of rules that have worked since our Founding. One of those rules is that we, as Americans, revere life and have done so since our Founders made it the first, and most important, of our 'unalienable' rights.''

He continued, ''Over time, our culture of life in this country has started sliding toward a culture of death. Perhaps the most significant piece of evidence to support this assertion is that since Roe v. Wade was decided by the Supreme Count 43 years ago, over 50 million Americans never had the chance to enjoy the opportunities offered by this country. They never had the chance to become doctors, musicians, farmers, teachers, husbands, fathers, sons or daughters. They never had the chance to enrich the culture of this nation or to bring their skills, lives, loves or passions into the fabric of this country. They are missing, and they are missed.''

These words helped guide President Trump's actions in office as he advocated for pro-life policies both domestically and abroad. Domestically, President Trump fought to defund Planned Parenthood and other abortion providers from receiving Federal funding. He prohibited such entities from receiving title X funding and permitted States to prohibit them from participating in Medicaid as well. In 2018, President Trump issued a rule requiring health insurers to specify whether plans cover abortion. He also issued rules to protect religious objectors and moral objectors from the Department of Health and Human Services contraceptive mandate. In addition, the President established a new Conscience and Religious Freedom division of the Office for Civil Rights to protect healthcare providers who object to participating in abortions.

President Trump's commitment to the unborn was just as strong abroad. Just days after his inauguration, President Trump ended Federal funding of abortion overseas by reinstating the Mexico City Policy, which prohibits nongovernment organizations receiving U.S. aid grants from performing and promoting abortions overseas. He directed the Secretary of State to implement the ban on taxpayer funds for overseas abortions across most U.S. global health programs through his Protecting Life in Global Health Assistance policy.

In addition, President Trump also defunded the United Nations Population Fund, a program long tied to China's forced abortion one-child policy. To further underline this, the Trump administration in 2020 declared to the United Nations that abortion is not a human right and signed the Geneva Consensus Declaration, where 33 nations joined together to reaffirm the value of unborn life. Finally, in January 2021, the Trump administration and called for the Chinese Communist Party to immediately end its system of forced abortions.

In addition to his work within the executive branch, President Trump also showed his commitment to the pro-life cause by nominating constitutional conservative and originalist judges to the Federal judiciary. He nominated three originalist Justices to the U.S. Supreme Court: Justice Neil Gorsuch in 2017, Justice Brett Kavanaugh in 2018, and Justice Amy Coney Barrett in 2020. More broadly, President Trump nominated 234 new article III judges who share this commitment to upholding our Constitution as written.

As the pro-life movement advances, it is important for us to recognize how we got here. Former President Trump deserves praise for all his administration did over the past 4 years to advance the cause of the unborn. I am gratitude for that work and recognize the tireless advocacy of the Trump administration to protect both women and their babies.

RECOGNIZING THE INTERCESSORS FOR AMERICA

Mrs. HYDE-SMITH. Madam President, for many years, thousands of members of the Intercessors for America—IFA—have been devoted to prayer and fasting in the name of protecting the unborn and of ending abortion. The IFA was founded in 1973 in an era when our Nation experienced turmoil within the political, moral, and traditional values that are the cornerstone of our Nation.

In 1973, the U.S. Supreme Court issued its divisive landmark decision in Roe v. Wade, legalizing abortion and shocking the majority of Americans. IFA has worked since then to mobilize our Nation to pray for the protection of innocent life and to find unity among the cultural conflicts in our country. Today, IFA is a national organization of millions of like-minded people who are steadfast in praying for God's support and guidance for our Nation's executive, legislative, and judicial branches of government.

I thank the members of IFA for their dedication, prayers, and fasting in support of the sanctity of life. Their work has helped increase awareness for the pro-life movement and its overarching goal to defend the unborn. It is the decades of prayer and hard work of so many pro-life advocates that has led us to this moment in history in which the Supreme Court will be hearing oral arguments in Dobbs v. Jackson Women's Health Organization. This case, which focuses on the constitutionality of a Mississippi law that bars abortion after 15 weeks, could reset the abortion issue and return it to elected leaders, who are more directly accountable to the people than Federal judges.

Today, I recognize and pay tribute to the role of the IFA in the nearly 50-year fight to protect innocent life in the womb. I also join with the IFA in praying for the members of our Supreme Court, who are now preparing to hear the Dobbs case. May God grant each Justice wisdom for the task and mercy for the unborn.

TRIBUTE TO SAM BROWNBACK

Mrs. HYDE-SMITH. Madam President, it is an honor to pay tribute to my fellow public servant Sam Brownback of Kansas. During his service both as Governor of Kansas and as a U.S. Senator, he advocated tirelessly for the right to life. More recently, during the last administration, he served as the U.S. Ambassador at Large for International Religious Freedom, fighting for the free exercise of religion abroad.

After a couple years in the House of Representatives, Ambassador Brownback represented Kansas in the Senate from 1996 to 2011. He came to the Capitol with a background similar to mine. I served as the Mississippi Commissioner of Agriculture and Commerce prior to coming to the Senate, and Ambassador Brownback served as Kansas's Secretary of Agriculture before coming to DC.

Upon joining the Senate, Ambassador Brownback consistently supported pro-life legislation and voted in defense of the sanctity of life. Through his 15 years in the Senate, he supported pro-life legislation including the Unborn Child Pain Awareness Act, the Born Alive Infants Protection Act, the Unborn Victims of Violence Act, the Partial Birth Abortion Ban Act, and the Hyde amendment.

This support for unborn life continued when the people of Kansas elected Sam Brownback to be their Governor, a position in which he served from 2011 to 2018. As Governor, he signed numerous laws protecting unborn human life, including a measure that made Kansas the first State to ban dismemberment abortions. Furthermore, during his tenure, Kansas passed laws restricting funding to abortion providers and banning sex-selective abortions, among many others.

Sam Brownback's steadfast efforts paid off. By the time he became an Ambassador in 2018, Kansas had become the second most pro-life State in the Nation, as ranked by the Americans United for Life. In fact, the number of abortions in Kansas dropped by nearly 30 percent, a testimony to the success of his policies promoting a culture of life.

But his efforts did not stop there. Upon his confirmation in 2018 as the U.S. Ambassador at Large for International Religious Freedom, he continued the fight to protect life and stand up against injustice abroad. He worked hand-in-hand with Secretary of State Mike Pompeo in condemning the Chinese Communist Party for its regime of forced abortions and sterilizations.

Throughout his long and commendable career in public service, Ambassador Brownback has shown a remarkable commitment to the sanctity of life. As the Supreme Court prepares to hear the Dobbs v. Jackson Women's Health Organization case, I am pleased to rise to recognize leaders in the pro-life movement who have advanced the cause to this point. Ambassador Brownback is definitely among those leaders for his many years as a champion for life.

TRIBUTE TO SEAN DUFFY

Mrs. HYDE-SMITH. Madam President, as the U.S. Supreme Court prepares to hear oral arguments in Dobbs v. Jackson Women's Health Organization case, I am taking time to recognize leaders in the pro-life movement who have helped bring us to this point. Today, I pay tribute to former Congressman Sean Duffy, who represented the pro-life values of the Seventh District of Wisconsin for five terms from 2011–2019.

Throughout his time in the House, Representative Duffy remained unwavering in his commitment to the sanctity of life. Whatever pro-life issue

arose, Representative Duffy was there to defend the unborn and the value of all life.

As religious liberty issues entered in the debate over the Affordable Care Act—ACA—Representative Duffy fought to keep taxpayer funding from covering abortions in ACA health plans. His opposition was part of his larger effort to oppose taxpayer funding for abortion in any arena, a fight embodied in his support of the No Taxpayer Funding for Abortion Act.

As our Nation a few years later learned of the horrors perpetrated by notorious abortionist Kermit Gosnell, Representative Duffy took to the House floor to highlight the evil of abortion as shown in Gosnell's case.

When videos revealed that Planned Parenthood was illegally selling fetal tissue from aborted babies, Representative Duffy joined his colleagues in calling for an investigation into this travesty. His pro-life leadership role led to an appointment to the House Energy and Commerce Committee's Select Investigative Panel on Planned Parenthood that investigated that organization's illegal fetal tissue sales.

A true pro-life hero, Representative Duffy leads by example in living out his pro-life values. On August 2019, Representative Duffy announced his resignation to focus on his ninth child who was born with heart defects and Down's syndrome.

Representative Duffy, along with his wife Rachel Campos-Duffy, stands as an inspirational example of how to champion pro-life and pro-family values in both public roles and in private lives.

TRIBUTE TO BETHANY KOZMA

Mrs. HYDE-SMITH. Madam President, I rise to recognize Bethany Kozma, former Deputy Chief of Staff at the United States Agency for International Development—USAID. She deserves to be honored for her tireless work during the last administration to execute pro-life, pro-family, and pro-religious freedom policies across USAID.

While her efforts in this regard garnered criticism, Mrs. Kozma remained resolute in advancing the Agency's firm pro-life positions. Her courage is an example to us all to cling tightly to our strongly held values, even in face of criticism.

Standing strong, Mrs. Kozma played an integral role in helping the U.S. Department of State, USAID, and the U.S. Department of Health and Human Services better synchronize their efforts in countless multilateral negotiations. This synergy helped ensure that the agreements formed by those negotiations did not promote or permit abortion.

In my own work here in the Senate, I know staff members toiling behind the scenes do important work that allows me to do my job successfully. No doubt, that is also true in the executive branch.

The work of dedicated agency staff like Mrs. Kozma was integral to the many pro-life successes of the past administration. Her tireless work helped ensure the United States could lead in pro-life policies abroad. Mrs. Kozma and others like her deserve recognition and our gratitude.

TRIBUTE TO MIKE POMPEO

Mrs. HYDE-SMITH. Madam President, I rise to pay tribute to former Secretary of State Mike Pompeo. During Mr. Pompeo's time at the State Department, he worked tirelessly to defend unborn children around the world. Under then-Secretary Pompeo's leadership, the United States stood as a nation that values all human rights, including the right to life. His bold leadership encouraged other world leaders to join the United States in standing against efforts by some within the United Nations to make abortion on demand an international right.

Mr. Pompeo established his pro-life bona fides during his four terms in the U.S. House of Representatives. During that time, he supported numerous pieces of pro-life legislation, such as the No Taxpayer Funding for Abortion Act and the Pain Capable Unborn Child Protection Act.

His commitment to the pro-life cause continued in his role as our Nation's top diplomat. A few particular successes stand out.

First, Secretary Pompeo initiated a new compliance mechanism to ensure enforcement of the Mexico City Policy, which prohibits taxpayer dollars from being used for abortion overseas. Under the Protecting Life in Global Health Assistance policy, the State Department would refuse to partner with any foreign organizations involved in supporting abortions. Additionally, these nongovernment organizations will also have to provide certification to the State Department that they are not involved with abortions. This highly successful policy closed an overwhelming proportion of the loopholes that had previously allowed organizations to skirt compliance with the Mexico City Policy.

Second, Secretary Pompeo ensured full enforcement of the Siljander amendment, an annual rider in the State and foreign operations appropriations bill to prohibit the use of U.S. funds, including foreign assistance, to lobby for or against abortion abroad.

Third, the Department of State led the United States to sign the Geneva Consensus Declaration in 2020, which reaffirmed ''that there is no international right to abortion.'' Thirty-three other nations, representing more than 1.6 billion people, also signed the declaration, an achievement that would not have been possible without American leadership on the issue.

Finally, Pompeo's Department of State in 2020 also sanctioned China for its many human rights abuses, including forced abortions and forced sterilizations.

These accomplishments make clear that former Secretary of State Mike Pompeo made true strides in vigorously defending the right to life of the unborn babies around the globe. His endeavors deserve our applause and gratitude.

TRIBUTE TO MORSE TAN

Mrs. HYDE-SMITH. Madam President, I rise to pay tribute to Morse Tan, former Ambassador at Large for Global Criminal Justice, whose dedication to the legal defense of human rights and the rights of the unborn is commendable.

Morse Tan's work to promote these values has spanned the globe. As an expert on North Korea, he has written extensively about the human rights abuses occurring in that country and how those responsible can be held accountable. In his book, ''North Korea, International Law and the Dual Crises: Narrative and Constructive Engagement,'' Tan sheds light on the genocide of Christians in North Korea, focusing specifically on the forced abortions imposed on many North Korean women.

As Ambassador at Large for Global Criminal Justice during the last administration, Ambassador Tan worked to gather evidence of China's repressive treatment of the Uyghurs and other ethnic minorities, including forced abortions and forced sterilizations. Based in part on the Ambassador's work, Secretary of State Mike Pompeo in July 2020 imposed sanctions on Chinese officials because of human rights abuses. Furthermore, Secretary Pompeo determined that China had committed crimes against humanity and genocide against the Uyghurs and other ethnic minority groups, based on the findings of an internal review led by Ambassador Tan.

Ambassador Tan has also undertaken significant work on behalf of the sanctity of life in the United States as well. He has filed amicus briefs in two Supreme Court cases regarding pro-life issues. In McCorvey v. Hill, Ambassador Tan coordinated, researched, and edited some 24 amicus briefs on behalf of Norma McCorvey, who was the plaintiff ''Jane Roe'' in Roe v. Wade. In Cano v. Baker, he coordinated, researched, and edited 22 amicus briefs on behalf of Sandra Cano, who was the plaintiff ''Mary Doe'' in Doe v. Bolton.

Finally, I hope that Ambassador Tan's work as a law professor in courses such as bioethics, international human rights, and constitutional law will inspire a new generation to take up the legal fight to protect the sanctity of life.

It is an honor to recognize Ambassador Morse Tan for his uncompromising work to defend the right of the unborn babies in courts and to bring justice and accountability for perpetrators of forced abortions around the world.

TRIBUTE TO ANN WAGNER

Mrs. HYDE-SMITH. Madam President, I rise to recognize Congresswoman ANN WAGNER, who represents the Second Congressional District of Missouri in the U.S. House of Representatives. Throughout her tenure in the House; Representative WAGNER has remained an outspoken champion for life. Representative WAGNER has worked to protect unborn life, through her vocal support of the Pain-Capable Unborn Child Protection Act and so many other pieces of pro-life legisltaion. Additionally, she has helped lead the charge to prevent taxpayer funding of abortion on-demand.

This public servant's efforts to protect vulnerable children from sexual exploitation and trafficking are particularly inspirational. She has fought hard for legislation that would increase the penalties for criminals who profit from sexual exploitation of innocent children.

Representative WAGNER's commitment to children both inside and outside the womb is commendable. I know I take inspiration from her years of work on behalf of vulnerable children. Therefore, I offer my praise and gratitude for that work as the U.S. Supreme Court takes up Dobbs v. Jackson Women's Health Organization, a case that could significantly change the landscape in terms of protecting young lives.

ADDITIONAL STATEMENTS

TRIBUTE TO BRANDON BOUCHARD

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Brandon for his hard work as an intern in the Senate Republican conference. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Brandon is a native of Maryland. He is a graduate of the University of Maryland, College Park, where he studied philosophy, politics, and economics. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Brandon for the dedication he has shown while working for me and my staff. It is a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his journey.●

TRIBUTE TO GARTH OWEN COSSAIRT

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Owen for his hard work as an intern in the Energy and Natural Resources Committee. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Owen is a native of Laramie. He is a graduate of the University of Wyoming, where he studied mathematics. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Owen for the dedication he has shown while working for me and my staff. It is a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his journey.●

TRIBUTE TO DAVID GIRALT

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to David for his hard work as an intern in my Washington, DC, office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

David is a native of Casper. He is a graduate student at George Washington University, where he is studying legislative affairs. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank David for the dedication he has shown while working for me and my staff. It is a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his journey.●

TRIBUTE TO STEPHEN HANK HOVERSLAND

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Hank for his hard work as an intern in the Energy and Natural Resources Committee. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Hank is a native of Casper. He is a student at the University of Wyoming, where he is studying political science and economics. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Hank for the dedication he has shown while working for me and my staff. It is a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his journey.●

TRIBUTE TO MATTHEW LOWE

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Matthew for his hard work as an intern in the Senate Republican conference. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Matthew is a native of Oklahoma. He is a graduate of the Bush School of Government and Public Service at Texas A&M University, where he studied international affairs. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Matthew for the dedication he has shown while working for me and my staff. It is a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his journey.●

TRIBUTE TO WILLIAM TORGERSON

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Billy for his hard work as an intern in my Washington, DC, office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Billy is a native of Riverton. He is a student at Georgetown University, where he is studying government and English. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Billy for the dedication he has shown while working for me and my staff. It is a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his journey.●

ADAMS STATE UNIVERSITY CENTENNIAL

● Mr. BENNET. Madam President, it is my honor to congratulate Adams State University on 100 years of educating students in Alamosa, CO. The school was established on May 4, 1921, as Adams State Normal School by the Colorado Legislature following the tireless advocacy of Colorado State Representative William ''Billy'' H. Adams. Founded as a teacher's college, Adams State now has more than 3,000 students enrolled in 27 bachelor's degree programs, nine master's degree programs, and one Ph.D. degree program.

Located in the San Luis Valley with deep Hispano roots, Adams State was the first federally designated Hispanic serving institution in Colorado. The school has also fostered an elite distance-running culture over decades after hosting the U.S. Olympic Marathon Trials in August 1968.

Over the past 100 years, Adams State has educated thousands of community leaders, businessowners, doctors, attorneys, farmers and ranchers, and, most

important, teachers and has been a key economic and cultural educational institution for Alamosa and the entire San Luis Valley.●

RECOGNIZING THE 2020–2021 NATIONAL FFA OFFICER TEAM

● Mr. BOOZMAN. Madam President, I rise today to recognize the 2020–2021 National FFA officer team who recently retired at the 94th National FFA Convention and Expo in Indianapolis, IN. Team members include president Doster Harper of Georgia, central region vice president Paxton Dahmer of Missouri, eastern region vice president Miriam Hoffman of Illinois, western region vice president David Lopez of California, southern region vice president Artha Jonassaint of Florida, and from my home State of Arkansas, National FFA secretary Anna Mathis.

The Future Farmers of America was founded in 1928 by a group of young farmers with dreams of developing an organization to address the challenges of feeding a growing population. Their leadership was founded on their experience and passion for agricultural pursuits. Now known as the National FFA Organization to represent its diverse membership, FFA grows the next generation of leaders, builds communities, and strengthens agriculture. There are 735,038 middle and high school FFA members in 8,817 chapters in all 50 States and Puerto Rico.

Each year, six student members are elected to represent FFA as a national officer. They serve the organization at the highest level, promoting FFA and inspiring members, advisers, staff, teachers, alumni, and supporters. These individuals pause their educational pursuits and other commitments for an entire year in order to fully dedicate themselves to bettering the organization and the agricultural industry. National FFA officers spend time attending, speaking at, and facilitating FFA camps, conferences, and conventions and often meet with donors, stakeholders, and alumni. Additionally, national officers serve as members of the National FFA board of directors, a testament to FFA being a student-led organization. It is no secret that these young leaders have a profound impact on the future of the organization and agriculture.

The 2020–2021 National FFA officer team led the organization with character, determination, and grit in the midst of a global pandemic. During this year and a half when many schools moved online and extracurricular activities at school, such as FFA, were unable to meet and continue normally, it is remarkable that, under this team's leadership, the number of FFA chapters in the organization increased despite the hardships faced. Their tenure as a national officer concluded after planning and leading the 94th National FFA Convention and Expo. The largest youth convention in the country, this year's convention drew over 60,000 registered attendees.

Behind every great team are hosts of people who support them. I commend the families, staff, advisers, teachers, mentors, students, alumni, and others who supported these leaders and FFA. Their tenacity and leadership is encouraging to those they serve and to myself. I had the opportunity to visit with these national officers during their year of service. It has been an honor to meet and interact with this team. I am ever-increasingly optimistic about the future of agriculture, especially with passionate, dedicated leaders like themselves at the helm. Doster, Anna, Paxton, Miriam, David, and Artha, I wish you the best in your future endeavors and congratulate you for your year of service as the 2020–2021 National FFA officer team.●

CONGRATULATING THE KINDRED HIGH SCHOOL VIKINGS

● Mr. CRAMER. Madam President, for the second time this year, I have the privilege of congratulating my alma mater, Kindred High School, on a State championship.

In March, my hometown school celebrated the boys basketball team's first-ever State championship. Eight months later, on November 12, the Kindred Vikings football team won the State 11B title at the Dakota Bowl State Football Tournament. The Vikings defeated longtime rivals, the No. 1-ranked Hillsboro-Central Valley Burros, by a score of 37 to 14, for the championship. They had earlier won their first three games, defeating Lisbon, Central Cass, and Bishop Ryan teams.

This was the first State championship for the Vikings since State playoffs sponsored by the North Dakota High School Activities Association began in 1975. They had made only one other Dakota Bowl appearance in 2016. To advance to the tournament this year, the Vikings defeated the Langdon-Edmore-Munich Cardinals, which had played in every Dakota Bowl since 2016.

Graduating from Kindred High School in 1979, I lettered for 4 years in football, basketball and track. I was the starting quarterback my junior and senior years, and our team was bad, me especially.

Knowing firsthand what it is like to persevere on a losing team, watching these Kindred Vikings, who ended the season with a 12–1 record, was thrilling. I saw very talented athletes excel by tapping into the strength of each player. Notably, the impressive skills of running back Trey Heinrich did not go unnoticed when he was named the MaxPreps North Dakota Player of the Year.

I want to recognize this year's team members Charles Biewer, Masen Allmaras, Lukas Klabunde, Izaak Spelhaug, Maxwell McQuillan, Andrew Trom, Taylor Stefonowicz, Carter Schmitz, Caleb Klabunde, Connor Rolland, Jack McDonald, Wyatt Briscoe, Graham Glasoe, Jordyn Sunram, Hayden Cichy, Owen Hoyme, Kylan Swenson, Jorgen Swenson, Camron Schwartzwalter, Trey Heinrich, Ty Roesler, Tyson Johnson, Chase Miller, Jeremiah Dockter, Alex Moffet, Jacob Hiatt, Samuel Jenness, Jacob Lund, Jack Huesman, Blake Houska, Tate Miller, Landon Kottsick, Grant Spelhaug, Andrew Haley, Colin Lunde, Ethan Fornshell, Mason Nipstad, Kelby Erdmann, Dilon Filler, Riley Sunram, Jack Packer, Jack Olson, Hunter Bindas, Maxwell Opgrand, and Ryker Lachowitzer.

I congratulate the team, as well as Coach Matt Crane, his assistants Brad Ambrosius, Eric Burgad, Joe Harder, Nate Safe, and Ryan Sunram and all the hometown fans on winning this championship.

I join the rest of North Dakota in thanking the Kindred Vikings for inspiring all of us to achieve excellence. For the second time this year, they have demonstrated what can be achieved by combining faith and passion with determination and teamwork.●

TRIBUTE TO JOHN D. BECKETT

● Mrs. HYDE-SMITH. Madam President, with the U.S. Supreme Court set to consider Dobbs v. Jackson Women's Health Organization in oral arguments on December 1, 2021, I am taking time to recognize individuals whose dedication to the pro-life cause has led us to this point. In this case, I pay tribute to Mr. John D. Beckett from Elyria, OH. His activities have been intertwined with championing pro-life and religious freedom.

Mr. Beckett graduated from the Massachusetts Institute of Technology in 1960, after which he initially worked as an engineer in the aerospace industry. In 1963, he joined his father's small manufacturing business, R.W. Beckett Corporation, and 2 years later became president following his father's death. Under Mr. Beckett's leadership, this small company grew over time to become a worldwide leader in producing engineered components for residential and commercial heating. With its affiliates, the company employs nearly 1,000 people.

In addition to his business endeavors, Mr. Beckett has long been active in both church and community-related activities. This is where he has established himself as a champion of the pro-life movement.

In 1973, Mr. Beckett became a founding member of the Intercessors for America, a national prayer organization, and he continues to serve on the board today. The Intercessors for America has helped lead grassroots efforts for people of faith to unite in prayer for the pro-life movement and for the unborn. In addition, he also became a founding board member of King's College in New York City, a Christian university, and he also serves on the board of Cru—Campus Crusade for Christ International. Alongside

these community activities, Mr. Beckett also found time to become a published author, writing two books about faith in the workplace.

For these business and community activities, Mr. Beckett has received numerous accolades. He received an honorary doctor of law degree from both Spring Arbor University in 2002 and also from King's College in 2008. He was also named Christian Businessman of the Year by the Christian Broadcasting Network in 1999 and the Entrepreneur of the Year by Ernst & Young in 2003.

Today, he resides in Elyria, OH, with his wife, Wendy, to whom he has been married since 1961.

I am thankful to John D. Beckett for his support of many nonprofit organizations that defend the rights of the unborn and religious freedom. His work in helping establish the Intercessors for America has led to untold numbers of prayers being raised for the pro-life movement. I am pleased to honor his work through that organization as well as his lifetime of service to so many worthy causes.●

TRIBUTE TO PHIL BRYANT

● Mrs. HYDE-SMITH. Madam President, I am honored to pay tribute to former Governor Phil Bryant of Mississippi. While there are many things for which the Governor deserves praise, today I specifically want to speak about Governor Bryant's stalwart work during his term of office from 2012–2020 to protect and defend the most vulnerable of our society: unborn children.

While running for office, Phil Bryant promised Mississippians that he would work tirelessly as Governor to protect the rights of the unborn. He fulfilled that promise. Throughout two terms in office, Governor Bryant was a driving force behind legislative efforts to protect life in Mississippi.

In April 2012, Governor Bryant signed Mississippi House Bill 1390. This bill required abortion practitioners to be certified as obstetrician-gynecologists and to maintain admitting privileges at a local hospital. Through these requirements, this legislation sought to strengthen abortion regulations and ensure that women receive quality care for any complications following an abortion.

In April 2014, Governor Bryant signed Mississippi House Bill 1400, banning abortions performed after 20 weeks. This legislation cited a plethora of medical evidence, showing that a baby can feel pain at this stage, and that pregnant women are at increased health risks, even death, when undergoing later-term abortion procedures.

Additionally, Governor Bryant signed into law the Unborn Child Protection from Dismemberment Abortion Act in 2016, banning dismemberment abortions or those involving the practice known as D&E or ''dilation and evacuation.'' Dismemberment is the most prevalent method of second trimester abortion, accounting for 96 percent of all second trimester abortions. With the enactment of this law, Governor Bryant not only banned these violent dismemberment procedures from taking place in the Mississippi, he also prohibited the illegal trafficking of the bodies of aborted babies in Mississippi.

Governor Bryant did not stop there and continued working to keep his promise to make Mississippi ''the safest place in America'' for unborn babies. In 2018, he signed the Gestational Age Act, which banned abortions after 15 weeks in most cases. It is this law being challenged at the U.S. Supreme Court in Dobbs v. Jackson Women's Health.

Throughout all of these laws, Governor Bryant maintained steadfast courage and held tightly to his promise to the people of Mississippi to fight continuously to protect the unborn. I love what he once said when groups threatened legal action against our State's pro-life legislation. He said, ''We will all answer to the good Lord one day. I will say in this instance, 'I fought for the lives of innocent babies, even under threat of legal action.' ''

That is indeed true. When his time comes, Governor Bryant can stand tall before the Lord, having fought the good fight to protect the unborn. And indeed, when the Supreme Court hears oral arguments in the Dobbs case on December 1, Governor Bryant can smile in the knowledge that his work was not in vain.

For all these reasons, I call attention to Governor Phil Bryant. He deserves laudable recognition for his 8-year fight to protect and defend the right to life for the unborn babies in the womb, reflecting the character and values of the people of our State, Mississippi.●

TRIBUTE TO BECKY CURRIE

● Mrs. HYDE-SMITH. Madam President, it is an honor to pay tribute to Representative Becky Currie, a member of the Mississippi House of Representatives, who authored the Gestational Age Act. It is this State law that underlies the U.S. Supreme Court's consideration of Dobbs v. Jackson Women's Health Organization this term.

When the Supreme Court hears oral arguments on Dobbs on December 1, 2021, it will hear a defense of the pro-life cause generating from the work of Becky Currie, my friend and my representative. In the Mississippi House, she represents district 92, which covers my hometown of Brookhaven.

Becky's forethought in introducing this bill and shepherding it through the State legislature has led us to the point where the Supreme Court is considering a direct challenge to Roe v. Wade. By prohibiting most abortions after 15 weeks, the Gestational Age Act presents directly the question of whether Roe's viability standard remains good law.

Becky's background as a nurse, her tenacious personality, and her heart for the unborn made her the perfect person to sponsor this important bill. She knows how to fight and isn't afraid of criticism. Her stubborn persistence in promoting policies to protect the unborn has made Mississippi a safer place for women and their babies. Through the Supreme Court's consideration of her bill, Becky Currie has the potential to do that for our entire Nation.

As the Supreme Court prepares to hear oral arguments in the Dobbs case, we are all indebted to Representative Currie's her courage and tenacity in sponsoring the Gestational Age Act. Praise God for bringing us this far. I also pray that He will continue to work through Representative Currie, using her law to overrule Roe v. Wade and make our Nation a safer place for the unborn and their mothers.●

TRIBUTE TO MARK LEE DICKSON

● Mrs. HYDE-SMITH. Madam President, I rise to pay tribute to Pastor Mark Lee Dickson of Longview, TX, who founded the Sanctuary Cities for the Unborn Initiative in 2019. This innovative organization works to encourage cities and towns to adopt ordinances declaring themselves as Sanctuary Cities for the Unborn.

Under Pastor Dickson's leadership, this grassroots Sanctuary Cities for the Unborn movement has saved many babies throughout the Nation in 41 towns and cities that have adopted these ordinances.

This is not the only way that Pastor Dickson has dedicated himself to championing the pro-life movement. He also serves as the director of Grassroots for Right to Life of East Texas and as the senior pastor of Sovereign Love Church in Longview.

Across our Nation, pro-life citizens of all ages and backgrounds represent the backbone of the grassroots movement to protect the unborn. Individuals like Pastor Dickson who take it on themselves to help promote life and prevent abortion in their own communities drive the passion in this movement.

The Pastor Dickson and millions of other Americans have kept this issue salient for our political discourse and has led us to the place where the U.S. Supreme Court will be reconsidering its misguided abortion jurisprudence established by Roe v. Wade when it takes up a challenge to a Mississippi law banning most abortions after 15 weeks gestation. In Dobbs v. Jackson Women's Health Organization, the stage is set for the potential overturning of Roe and returning the issue of abortion to the States.

I pray for Pastor Dickson and that God would raise up more like him. Pastor Dickson's example shows that the courage of one person can make a difference.●

TRIBUTE TO LYNN FITCH

● Mrs. HYDE-SMITH. Madam President, I rise to pay tribute to Mississippi Attorney General Lynn Fitch.

My State has much to be proud of in Attorney General Fitch as the first Republican to hold this office in almost 150 years and as Mississippi's first female attorney general ever.

Specifically today, I rise to honor her for her unwavering fight to defend Mississippi's pro-life laws. Attorney General Fitch is representing the State of Mississippi in Dobbs v. Jackson Women's Health Organization at the U.S. Supreme Court this term. This case is the most anticipated abortion case to reach the Court since Casey v. Planned Parenthood in 1992, nearly 30 years ago.

In the Dobbs case, Attorney General Fitch is defending a challenge to Mississippi House bill 1510, the Gestational Age Act Enacted in 2018, this legislation bans most abortions after 15 weeks gestation. By consistently defending this law all the way up to the Supreme Court, Attorney General Fitch has set the stage for the Court to consider overturning Roe v. Wade and return the issue of abortion to the States.

The Dobbs case presents the strongest challenge to Roe in our lifetime. It is encouraging that the Supreme Court, with its first conservative majority in many years, will hear arguments on the merits of this Mississippi law. I am so proud that our female Mississippi Attorney General will be in the courtroom to defend our law in this case.

In arguing for the Court to reconsider Roe in the State's brief in the case, Attorney General Fitch said, ''There are those who would like to believe that Roe v. Wade settled the issue of abortion once and for all. But all it did was establish a special-rules regime for abortion jurisprudence that has left these cases out of step with other Court decisions and neutral principles of law applied by the Court. As a result, state legislatures, and the people they represent, have lacked clarity in passing laws to protect legitimate public interests, and artificial guideposts have stunted important public debate on how we, as a society, care for the dignity of women and their children.''

I wholeheartedly agree. The unlimited-abortion regime created by the Roe decision was wrong when it was handed down, and it is wrong now. It is bad for the unborn, and it is bad for women. I hope the Supreme Court recognizes that when it hears oral arguments in the Dobbs case on December 1.

I am confident Attorney General Fitch will make our State proud by steadfastly defending Mississippi's law to protect unborn. Mississippians are proud to have this champion for life representing our State in this landmark case. I am praying for General Fitch and for her staff as they prepare to continue the fight to defend life before the highest court in the land.●

RECOGNIZING INTERNS

● Ms. ROSEN. Madam President, I am proud to host a number of interns from Nevada in my office, all of whom have contributed greatly to my work in the U.S. Senate. I know I speak for my colleagues as well when I say that many of our interns have enjoyed and benefited from a wonderful program operated by the Stennis Center for Public Service. This program is designed to enhance the internship experience for exceptional future leaders, giving young Americans an inside look at how Congress works and an opportunity to learn from bipartisan senior staffers and foster bipartisan relationships that will carry some of them through their career supporting Congress.

Stennis interns are selected based on their employment experience, college course load, and future service to Congress. This fall, 32 interns were chosen to be a part of this prestigious experience. These interns serve us on both sides of the aisle, working for Democrats and Republicans in the House and Senate, including one exceptional intern in my office who was awarded this opportunity: Natalie Gilbert of Las Vegas, NV.

Natalie is an impressive young Nevadan, having earned the distinguished honors of State of Nevada Mock Trial Outstanding Attorney and National Merit Commended Scholar in 2020. Before interning with my office, she interned with the Clark County District Attorney's Office in the homicide and domestic violence departments and worked directly with their victim advocacy program. Surpassing over 100 hours of volunteer service, Natalie has been an invaluable member of our Las Vegas community. I am proud to recognize Natalie and her incredible efforts. I wish her only the best as she continues to pursue her studies in political economy and justice and peace studies at Georgetown University.

In addition to Natalie, I would like to congratulate all of the Stennis interns on their completion of this exceptional program. I also thank the Stennis Center and their senior Fellows for providing a meaningful experience and fostering bipartisan work.

I ask that the names of the 2021 Fall Stennis congressional interns and the offices in which they work be printed in the RECORD.

The material follows:

Delanie Blubaugh, LaVale, MD, U.S. Representative David Trone; Sameer Chhetri, Philadelphia, PA, U.S. Representative Lois Frankel; Alexandra Dorotinsky, Damascus, MD, U.S. Senator Chris Van Hollen; Adam Duffy, Washington, DC, House Committee on Rules; Drew Ficociello, Washington, DC, U.S. Representative Cindy Axne; Rukmini Ganesh, Bowling Green, KY, House Committee on Education and Labor.

Natalie Gilbert, Las Vegas, NV, U.S. Senator Jacky Rosen; Ava Goble, Hilo, HI, U.S. Representative Kaiali'i Kahele; Diana Grechukhina, Ocean City, MD, U.S. Senator Chris Van Hollen; Kathleen Griffith, Washington, DC, Senate Special Committee on Aging; Kendall Groza, Washington, DC, U.S. Representative Billy Long; Amanda Guilardi, Washington, DC, House Committee on the Judiciary.

Kylie Harlan, Bells, TX, U.S. Representative Kevin Brady; Victoria Izaguirre, Spring Branch, TX, U.S. Representative Randy Weber; Niklas Kleinworth, Washington, DC, U.S. Senator James Risch; Catherine Lawson, Arlington, VA, U.S. Representative Kevin Brady; Haley Ledford, Fort Dodge, IA, U.S. Representative Randy Feenstra; Laura Ludwig, Washington, DC, U.S. Representative Jimmy Panetta.

Sophie Mittelstaedt, Washington, DC, U.S. Representative Marilyn Strickland; Jennifer Rivera-Galindo, Miami, FL, Senate Foreign Relations Committee; Jeremy Rodriguez-Melendez, Hormigueros, PR, U.S. Representative Don Young; Owen Rosenberg, Washington, DC, U.S. Representative Andrew Garbarino; Caroline Rykard, Midway, GA, U.S. Representative Buddy Carter; Natalie Salazar, Houston, TX, U.S. Representative Sylvia Garcia.

Ethan Sanders, Bartlesville, OK, U.S. Representative Lizzie Fletcher; Ben Savercool, Washington, DC, House Committee on Appropriations; Alexandra Schindewolf, Woodbine, NJ, U.S. Representative Ken Buck; Alexander Siegal, Longboat Key, FL, U.S. Representative Charlie Crist; Jaydn Smith, Washington, DC, U.S. Senator Deb Fischer; Sydney Smith, Washington, DC, U.S. Representative Mondaire Jones.

McKayla Steineke, Boston, MA, Senate Foreign Relations Committee; Jessie Xu, West Hartford, CT, Senate Committee on Banking, Housing and Urban Affairs.●

TRIBUTE TO MAHAM SHAH

● Mr. THUNE. Madam President, today I recognize Maham Shah, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Maham is a recent graduate of Baylor University in Waco, TX, having earned degrees in psychology and political science. This spring, Maham plans to continue serving the American people by working on Capitol Hill. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I extend my sincere thanks and appreciation to Maham for all of the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO DESTINY WENGER

● Mr. THUNE. Madam President, today I recognize Destiny Wenger, an intern in my Aberdeen, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Destiny is a graduate of Hazelton-Moffit-Braddock High School in Hazelton, ND. Currently, she is attending Northern State University in Aberdeen, SD, where she is majoring in political science. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I extend my sincere thanks and appreciation to Destiny for all of the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO LAUREN CARSON

● Mr. WHITEHOUSE. Madam President, I rise today to honor an accomplished policymaker, a protector of environmental and public health, and my State representative: Lauren Carson. Representative Carson represents Rhode Island's 75th district and has a long history of working on issues related to sea level rise, reducing waste, and protecting the health and safety of Rhode Islanders.

Representative Carson holds a bachelor's degree from Ramapo College and two master's degrees from the University of Rhode Island. She is a businessowner and an environmental advocate who worked for several years with Clean Water Action.

Representative Carson also served her community through several organizations, including the advisory board of the Alliance for a Livable Newport, the Newport Energy and Environment Commission, the Rhode Island Green Infrastructure Coalition, and the Environmental Council of Rhode Island.

In 2014, Representative Carson successfully ran for a seat in the State legislature. At the statehouse, she has moved policy forward to protect Rhode Island's environment. Among many other accomplishments, Ms. Carson created and led a commission on the effects of rising seas. She introduced a bill that created a uniform statewide process for permitting solar panel installations. She cosponsored legislation to phase out polluting cesspools. Earlier this year, she was appointed as, deputy majority leader, a role which she used to steward the 2021 Act on Climate into law, setting statewide net-zero goals for 2050 across all sectors. She coleads the Aquidneck Island Climate Caucus to give voice to the importance of preventing and preparing for a warmer world and focus the island's efforts on sea level rise.

I am glad to recognize Representative Carson's dedicated service and to share my appreciation for all of her contributions to our State and our environment.●

TRIBUTE TO DAWN EUER

● Mr. WHITEHOUSE. Madam President, I rise today to honor one of Rhode Island's most respected oceans and environmental policymakers, who happens to also be my State Senator, Dawn Euer. All of us whom have worked with Senator Euer recognize her deep commitment to Rhode Island and to safeguarding the future of the planet by fighting the climate crisis.

Senator Euer earned a law degree from Roger Williams University. While in law school, she served as a legal intern in my office, where I saw firsthand her dedication to public service and to using the law to better the lives of others.

Senator Euer began her political career as an activist and organizer. She was instrumental in the fight to make gay marriage the law of the land in Rhode Island.

Senator Euer has served on the boards of the Environmental Justice League of Rhode Island and Bike Newport. She has also advised the Newport City Council on energy efficiency, renewables, sustainable planning, and other environmental matters.

In 2017, Senator Euer successfully ran to represent parts of Newport and Jamestown in the Rhode Island State Senate. Running in a district on the front lines of climate change and sea level rise, Senator Euer advocated for substantial investments in renewable energy and resiliency. In the last legislative session, Senator Euer delivered on that promise in a big way. She succeeded in passing the Act on Climate bill, the most comprehensive climate legislation in State history. As the lead sponsor, Senator Euer developed an actionable plan to create mandatory and enforceable emissions reduction goals that chart a course to a safer future. With that legislative victory in hand, Senator Euer recently traveled to COP26 in Glasgow to help show the world that American climate leadership is back.

For my friend Senator Euer's tireless efforts in championing the 2021 Act on Climate and for all of her hard work on behalf of the people of Newport and Jamestown, I stand today to recognize her.●

TRIBUTE TO MEG KERR

● Mr. WHITEHOUSE. Madam President, I rise today to honor Meg Kerr, a staunch advocate for the environmental movement. Ms. Kerr retired earlier this year after a successful career of climate leadership and service to the State of Rhode Island.

After graduating from Brown University and the University of North Carolina, Ms. Kerr began the early part of her career as a scientist. She worked for the Environmental Protection Agency across North Carolina, Virginia, and Washington, D.C., where she partnered with States to standardize water quality reporting aligned with the Clean Water Act.

Ms. Kerr then moved back to Rhode Island and quickly established herself as a prominent advocate for the environment, taking on roles at the Rhode Island Rivers Council, the Narragansett Bay Estuary Program, and Clean Water Action. Ms. Kerr closed out her impressive career as the Audubon Society of Rhode Island's Senior Director of Policy.

To add to the list of her accomplishments, Ms. Kerr was a founder of the Rhode Island Green Infrastructure Coalition and helped launch the Providence Stormwater Innovation Center. She also helped found the annual Land and Water Conservation Summit that brought together hundreds of environmentalists from the State and region for over a decade. Ms. Kerr is passionate about pollinators, as demonstrated by her work organizing the Bee Rally to bring attention to the threats faced by our beloved bugs.

Ms. Kerr is a fierce and respected leader for the environment and a familiar face at the Rhode Island statehouse. Her expertise, mentorship of others, and ability to get things done for Rhode Island's environmental community has made a real mark on our State. I am proud to recognize her service and thank her for all she has done to protect our environment.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Swann, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The messages received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL MESSAGE

REPORT ON THE ISSUANCE OF AN EXECUTIVE ORDER THAT TERMINATES THE NATIONAL EMERGENCY DECLARED IN EXECUTIVE ORDER 13712 OF NOVEMBER 22, 2015, WITH RESPECT TO BURUNDI, AND REVOKES THAT EXECUTIVE ORDER—PM 18

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Consistent with subsection 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b), I hereby report that I have issued an Executive Order that terminates the national emergency declared in Executive Order 13712 of November 22, 2015, and revokes that Executive Order.

The President issued Executive Order 13712 to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the situation in Burundi, which had been marked by the killing of and violence against civilians, unrest, incitement of imminent violence, and significant political repression. In Executive Order 13712, the President addressed the threat by blocking the property and interests in property of, among others, persons determined by the Secretary of the Treasury, in consultation with the Secretary of State, to be responsible for or

complicit in actions or policies that threaten the peace, security, and stability of Burundi or undermine democratic processes or institutions in Burundi, or to have engaged in human rights abuses.

I have determined that the situation in Burundi that gave rise to the national emergency declared in Executive Order 13712 has been significantly altered by events of the past year, including the transfer of power following elections in 2020, significantly decreased violence, and President Ndayishimiye's pursuit of reforms across multiple sectors. For these reasons I have determined that it is necessary to terminate the national emergency declared in Executive Order 13712 and revoke that order.

I am enclosing a copy of the Executive Order I have issued.

JOSEPH R. BIDEN,Jr.,
THE WHITE HOUSE, *November 18, 2021*.

MESSAGE FROM THE HOUSE

At 11:15 a.m., a message from the House of Representatives, delivered by Mrs. Alli, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5652. An act to amend the Homeland Security Act of 2002 to establish the Acquisition Review Board in the Department of Homeland Security, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5652. An act to amend the Homeland Security Act of 2002 to establish the Acquisition Review Board in the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

PRIVILEGED NOMINATIONS REFERRED TO COMMITTEE

On request by Senator TOMMY TUBERVILLE, under the authority of S. Res. 116, 112th Congress, the following nomination was referred to the Committee on Homeland Security and Governmental Affairs: Michael F. Gerber, of Pennsylvania, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2022, vice Michael D. Kennedy, term expired.

On request by Senator TOMMY TUBERVILLE, under the authority of S. Res. 116, 112th Congress, the following nomination was referred to the Committee on Homeland Security and Governmental Affairs: Michael F. Gerber, of Pennsylvania, to be a Member of the Federal Retirement Thrift Investment Board for a reappointment term expiring September 25, 2026.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2626. A communication from the Treasurer of the National Gallery of Art, transmitting, pursuant to law, the Gallery's Inspector General Report for fiscal year 2021; to the Committee on Homeland Security and Governmental Affairs.

EC–2627. A communication from the Director, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2022–01, Small Entity Compliance Guide'' (FAC 2022–01) received in the Office of the President of the Senate on November 15, 2021; to the Committee on Homeland Security and Governmental Affairs.

EC–2628. A communication from the Director, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2022–01, Introduction'' (FAC 2022–01) received in the Office of the President of the Senate on November 15, 2021; to the Committee on Homeland Security and Governmental Affairs.

EC–2629. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 24–198, ''Wilkinson School Disposition Authorization Temporary Act of 2021''; to the Committee on Homeland Security and Governmental Affairs.

EC–2630. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 24–199, ''Advisory Neighborhood Commissions Humanitarian Relief Extension Temporary Amendment Act of 2021''; to the Committee on Homeland Security and Governmental Affairs.

EC–2631. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 24–200, ''Coronavirus Unemployment Compensation Provisions Sunset Temporary Amendment Act of 2021''; to the Committee on Homeland Security and Governmental Affairs.

EC–2632. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 24–201, ''Office of Administrative Hearings Unemployment Appeals Extension Temporary Amendment Act of 2021''; to the Committee on Homeland Security and Governmental Affairs.

EC–2633. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 24–202, ''Certified Midwife Credential Amendment Act of 2021''; to the Committee on Homeland Security and Governmental Affairs.

EC–2634. A communication from the Secretary of the Board of Governors, United States Postal Service, transmitting, pursuant to law, the Board's annual report relative to its compliance with Section 3686(c) of the Postal Accountability and Enhancement Act of 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–2635. A communication from the Chairman of the Board, Farm Credit System Insurance Corporation, transmitting, pursuant to law, the Corporation's consolidated report addressing the Federal Managers Financial Integrity Act (FMFIA or Integrity Act); to the Committee on Homeland Security and Governmental Affairs.

EC–2636. A communication from the Board Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Administration's Semiannual Report of the Inspector General and the Semiannual Management Report on the Status of Audits for the period from April 1, 2021 through September 30, 2021; to the Committee on Homeland Security and Governmental Affairs.

EC–2637. A communication from the Board Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Administration's Performance and Accountability Report for fiscal year 2021; to the Committee on Homeland Security and Governmental Affairs.

EC–2638. A communication from the Senior Advisor, Department of Health and Human Services, transmitting, pursuant to law, a report relative to two (2) vacancies in the Department of Health and Human Services, received in the Office of the President of the Senate on November 15, 2021; to the Committee on Indian Affairs.

EC–2639. A communication from the Director of the Office of Regulatory Affairs and Collaborative Action, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Election of Officers of the Osage Minerals Council'' (RIN1076–AF58) received in the Office of the President of the Senate on November 2, 2021; to the Committee on Indian Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. MANCHIN for the Committee on Energy and Natural Resources.

*Sara C. Bronin, of Connecticut, to be Chairman of the Advisory Council on Historic Preservation for a term expiring January 19, 2025.

By Mr. DURBIN for the Committee on the Judiciary.

Cindy K. Chung, of Pennsylvania, to be United States Attorney for the Western District of Pennsylvania for the term of four years.

Gary M. Restaino, of Arizona, to be United States Attorney for the District of Arizona for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WYDEN (for himself and Ms. LUMMIS):

S. 3231. A bill to amend title 18, United States Code, to require law enforcement officials to obtain a warrant before accessing data stored in cars, and for other purposes; to the Committee on the Judiciary.

By Mr. CASEY (for himself, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Mr. COTTON, Mr. MARKEY, Ms. CORTEZ MASTO, Ms. SMITH, Ms. WARREN, Mr. COONS, Mrs. FEINSTEIN, Ms. BALDWIN, Mr. CARDIN, and Mr. DURBIN):

S. 3232. A bill to require the Consumer Product Safety Commission to promulgate a

consumer product safety rule for freestanding clothing storage units to protect children from tip-over related death or injury, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. COLLINS (for herself and Mr. DURBIN):

S. 3233. A bill to help increase the development, distribution, and use of clean cookstoves and fuels to improve health, protect the climate and environment, empower women, create jobs, and help consumers save time and money; to the Committee on Foreign Relations.

By Mr. OSSOFF (for himself and Mr. SCOTT of South Carolina):

S. 3234. A bill to provide for outreach and assistance to historically Black colleges and universities regarding Defense Innovation Unit programs; to the Committee on Armed Services.

By Mr. MENENDEZ (for himself, Mr. BROWN, and Mr. CARDIN):

S. 3235. A bill to apply the Truth in Lending Act to small business financing, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. KLOBUCHAR (for herself, Mr. THUNE, Mr. HICKENLOOPER, and Mr. MORAN):

S. 3236. A bill to require the Federal Communications Commission to reform the contribution system of the Universal Service Fund, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHATZ (for himself and Mr. BRAUN):

S. 3237. A bill to amend title 49, United States Code, to include affordable housing incentives in certain capital investment grants, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CASEY (for himself and Mr. DAINES):

S. 3238. A bill to assist employers providing employment under special certificates issued under section 14(c) of the Fair Labor Standards Act of 1938 in transforming their business and program models to models that support people with disabilities through competitive integrated employment, to phase out the use of such special certificates, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN (for himself, Mr. KING, Ms. BALDWIN, Mr. CASEY, Ms. SMITH, Mr. BLUMENTHAL, Mr. VAN HOLLEN, Mr. MERKLEY, Mr. WHITEHOUSE, Ms. CORTEZ MASTO, Mr. MARKEY, Mr. KAINE, Ms. KLOBUCHAR, Mr. BOOKER, and Ms. ROSEN):

S. 3239. A bill to amend title XXVII of the Public Health Service Act to provide for a special enrollment period for pregnant persons, and for other purposes; to the Committee on Finance.

By Mr. RUBIO (for himself, Mrs. GILLIBRAND, Mr. COTTON, Mr. SCOTT of Florida, Mr. BRAUN, Mr. RISCH, and Mrs. BLACKBURN):

S. 3240. A bill to waive the application fee for applications for special use permits for veterans' special events at war memorials on land administered by the National Park Service in the District of Columbia and its environs, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY:

S. 3241. A bill to amend title 28, United States Code, to allow claims against foreign states for unlawful computer intrusion, and for other purposes; to the Committee on the Judiciary.

By Mr. MORAN:

S. 3242. A bill to provide for the settlement of claims relating to the Shab-eh-nay Band Reservation in Illinois, and for other purposes; to the Committee on Indian Affairs.

By Mr. LEE:

S. 3243. A bill to prohibit certain Federal agencies from requiring that any employee of such an agency receive a COVID–19 vaccine, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. BALDWIN (for herself, Ms. COLLINS, Ms. ROSEN, Ms. MURKOWSKI, Mrs. GILLIBRAND, and Mr. CARDIN):

S. 3244. A bill to amend the Public Health Service Act to establish a Bio-Preparedness and Infectious Diseases Workforce Loan Repayment Program; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI (for herself and Mr. WHITEHOUSE):

S. 3245. A bill to establish the Interagency Working Group on Coastal Blue Carbon, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PETERS (for himself and Mrs. CAPITO):

S. 3246. A bill to amend title XVIII of the Social Security Act to reduce the occurrence of diabetes in Medicare beneficiaries by extending coverage under Medicare for medical nutrition therapy services to such beneficiaries with pre-diabetes or with risk factors for developing type 2 diabetes; to the Committee on Finance.

By Ms. CORTEZ MASTO (for herself, Mr. TESTER, Mr. BLUMENTHAL, Ms. ROSEN, Ms. HIRONO, Mr. BROWN, and Mr. KELLY):

S. 3247. A bill to extend certain expiring provisions of law relating to benefits provided under Department of Veterans Affairs educational assistance programs during COVID–19 pandemic, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RUBIO (for himself, Mr. BRAUN, Mr. CRAMER, and Mr. SCOTT of Florida):

S. 3248. A bill to allow States and Tribal entities to use unexpended COVID–19 relief funds to pay fines on behalf of employers for violating the emergency temporary standard issued by the Department of Labor relating to COVID–19 Vaccination and Testing and any final rule issued with respect to such emergency temporary standard, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself and Ms. LUMMIS):

S. 3249. A bill to revise the rules of construction applicable to information reporting requirements imposed on brokers with respect to digital assets, and for other purposes; to the Committee on Finance.

By Mr. CASEY:

S. 3250. A bill to increase access to higher education by providing public transit grants; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN (for himself, Mr. WHITEHOUSE, Ms. WARREN, Mr. BROWN, Mr. BLUMENTHAL, Ms. HIRONO, Mr. MARKEY, and Mr. REED):

S. 3251. A bill to provide that chapter 1 of title 9 of the United States Code, relating to the enforcement of arbitration agreements, shall not apply to enrollment agreements made between students and certain institutions of higher education, and to prohibit limitations on the ability of students to pursue claims against certain institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEE (for himself and Ms. LUMMIS):

S. 3252. A bill to address the supply chain backlog in the freight network at United States ports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. COTTON:

S. 3253. A bill to amend the Family and Medical Leave Act of 1993 to provide leave for the spontaneous loss of an unborn child, and for other purposes; to the Committee on Finance.

By Mr. MERKLEY (for himself, Mr. BLUMENTHAL, and Ms. WARREN):

S. 3254. A bill to provide grants to local educational agencies to help public schools reduce class size in the early elementary grades, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOOKER:

S. 3255. A bill to direct the Secretary of Veterans Affairs to increase the number of Vet Centers in certain States based on population metrics, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SCOTT of Florida (for himself and Mr. LANKFORD):

S. 3256. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to improve accountability of disaster contracts, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. SHAHEEN (for herself and Mrs. CAPITO):

S. 3257. A bill to amend the Controlled Substances Act to lengthen the period of time during which certain controlled substances must be administered to a patient after being delivered by a pharmacy to the administering practitioner; to the Committee on the Judiciary.

By Mr. MARKEY (for himself, Mr. VAN HOLLEN, Ms. KLOBUCHAR, Mr. BLUMENTHAL, and Ms. SMITH):

S. 3258. A bill to conduct or support further comprehensive research for the creation of a universal influenza vaccine or preventative; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR (for herself and Mr. HOEVEN):

S. 3259. A bill to amend the Internal Revenue Code of 1986 to recognize Indian tribal governments for purposes of determining under the adoption credit whether a child has special needs; to the Committee on Finance.

By Mr. WICKER:

S. 3260. A bill to require a 20th anniversary review of the missions, capabilities, and performance of the Transportation Security Administration; to the Committee on Commerce, Science, and Transportation.

By Mr. BRAUN:

S. 3261. A bill to amend title 38, United States Code, to provide for the inclusion of certain emblems on headstones and markers furnished for veterans by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WICKER (for himself, Mrs. CAPITO, Mr. MORAN, Mr. YOUNG, and Mrs. BLACKBURN):

S. 3262. A bill to improve the efficient movement of freight at ports in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCOTT of Florida (for himself, Mr. TUBERVILLE, Mrs. BLACKBURN, Mr. JOHNSON, Mr. PORTMAN, Mr. LANKFORD, and Mr. LEE):

S. 3263. A bill to require the Inspector General of the Department of Homeland Security to investigate the vetting and processing of illegal aliens apprehended along the southwest border and to ensure that all laws are being upheld; to the Committee on the Judiciary.

By Mr. LUJÁN (for himself, Mr. CRAMER, Mr. HEINRICH, and Mr. MANCHIN):

S. 3264. A bill to require the Secretary of the Interior and the Secretary of Agriculture to develop long-distance bike trails on Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PORTMAN (for himself and Mr. BROWN):

S. 3265. A bill to require the National Nuclear Security Administration to release all of its reversionary rights to the building located at 4170 Allium Court, Springfield, Ohio; to the Committee on Armed Services.

By Mr. MANCHIN (for himself and Mr. BARRASSO):

S. 3266. A bill to improve recreation opportunities on, and facilitate greater access to, Federal public land, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. KLOBUCHAR (for herself, Mr. BLUMENTHAL, Ms. HIRONO, and Mr. BOOKER):

S. 3267. A bill to reform the antitrust laws to better protect competition in the American economy, to amend the Clayton Act to modify the standard for an unlawful acquisition; to the Committee on the Judiciary.

By Mr. PAUL (for himself, Mr. SANDERS, and Mr. LEE):

S.J. Res. 31. A joint resolution providing for congressional disapproval of the proposed foreign military sale to the Kingdom of Saudi Arabia of certain defense articles; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself, Mr. RISCH, Mr. LEAHY, Mr. COONS, Mr. ROUNDS, Mr. BOOZMAN, and Mr. CARDIN):

S. Res. 456. A resolution expressing support for a free, fair, and peaceful December 4, 2021, election in The Gambia; to the Committee on Foreign Relations.

By Ms. WARREN (for herself, Mrs. CAPITO, and Mr. MARKEY):

S. Res. 457. A resolution expressing support for the designation of November 9, 2021, as ''National Microtia and Atresia Awareness Day''; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COONS:

S. Res. 458. A resolution recognizing the 75th anniversary of the establishment of the United Nations Children's Fund; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 327

At the request of Mr. KELLY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 327, a bill to direct the Administrator of the Small Business Administration to establish a border closure recovery loan program for small businesses located near the United States border, and for other purposes.

S. 385

At the request of Mr. BROWN, the name of the Senator from California (Mr. PADILLA) was added as a cosponsor of S. 385, a bill to improve the full-service community school program, and for other purposes.

S. 435

At the request of Mr. CRAPO, the names of the Senator from California (Mr. PADILLA) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 435, a bill to extend the Secure Rural Schools and Community Self-Determination Act of 2000.

S. 450

At the request of Mr. BOOKER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 450, a bill to award posthumously the Congressional Gold Medal to Emmett Till and Mamie Till-Mobley.

S. 535

At the request of Ms. ERNST, the name of the Senator from Georgia (Mr. OSSOFF) was added as a cosponsor of S. 535, a bill to authorize the location of a memorial on the National Mall to commemorate and honor the members of the Armed Forces that served on active duty in support of the Global War on Terrorism, and for other purposes.

S. 581

At the request of Mr. BROWN, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 581, a bill to amend title XIX of the Social Security Act to improve access to adult vaccines under Medicaid.

S. 697

At the request of Ms. ROSEN, the name of the Senator from Mississippi (Mrs. HYDE-SMITH) was added as a cosponsor of S. 697, a bill to require the Secretary of the Treasury to mint commemorative coins in recognition of the Bicentennial of Harriet Tubman's birth.

S. 904

At the request of Mr. RISCH, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from New Hampshire (Ms. HASSAN) were added as cosponsors of S. 904, a bill to require the Secretary of the Interior, the Secretary of Agriculture, and the Assistant Secretary of the Army for Civil Works to digitize and make publicly available geographic information system mapping data relating to public access to Federal land and waters for outdoor recreation, and for other purposes.

S. 910

At the request of Mr. MERKLEY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 910, a bill to create protections for financial institutions that provide financial services to cannabis-related legitimate businesses and service providers for such businesses, and for other purposes.

S. 1098

At the request of Mr. WARNER, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 1098, a bill to amend the Higher Education Act of 1965 to authorize borrowers to separate joint consolidation loans.

S. 1125

At the request of Ms. STABENOW, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 1125, a bill to recommend that the Center for Medicare and Medicaid Innovation test the effect of a dementia care management model, and for other purposes.

S. 1198

At the request of Ms. HASSAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1198, a bill to amend title 38, United States Code, to improve and expand the Solid Start program of the Department of Veterans Affairs, and for other purposes.

S. 1210

At the request of Mr. BLUMENTHAL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1210, a bill to amend the Lacey Act Amendments of 1981 to clarify provisions enacted by the Captive Wildlife Safety Act, to further the conservation of certain wildlife species, and for other purposes.

S. 1488

At the request of Ms. DUCKWORTH, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1488, a bill to amend title 37, United States Code, to establish a basic needs allowance for low-income regular members of the Armed Forces.

S. 1625

At the request of Mr. CRAMER, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S. 1625, a bill to authorize notaries public to perform, and to establish minimum standards for, electronic notarizations and remote notarizations that occur in or affect interstate commerce, to require any Federal court to recognize notarizations performed by a notarial officer of any State, to require any State to recognize notarizations performed by a notarial officer of any other State when the notarization was performed under or relates to a public Act, record, or judicial proceeding of the notarial officer's State or when the notarization occurs in or affects interstate commerce, and for other purposes.

S. 1679

At the request of Mr. CASEY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1679, a bill to amend title VII of the Public Health Service Act to authorize assistance for increasing workforce diversity in the professions of physical therapy, occupational therapy, respiratory therapy, audiology, and speech-language pathology, and for other purposes.

S. 1725

At the request of Mr. ROUNDS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1725, a bill to grant a Federal charter to the National American Indian Veterans, Incorporated.

S. 1748

At the request of Mr. MENENDEZ, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 1748, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 1780

At the request of Mr. BOOKER, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 1780, a bill to remove college cost as a barrier to every student having access to a well-prepared and diverse educator workforce, and for other purposes.

S. 1813

At the request of Mr. COONS, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 1813, a bill to direct the Secretary of Health and Human Services to support research on, and expanded access to, investigational drugs for amyotrophic lateral sclerosis, and for other purposes.

S. 1901

At the request of Mr. TESTER, the name of the Senator from Alabama (Mr. TUBERVILLE) was added as a cosponsor of S. 1901, a bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian Tribes, and for other purposes.

S. 1964

At the request of Mr. BENNET, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1964, a bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide for the establishment of a Ski Area Fee Retention Account, and for other purposes.

S. 2103

At the request of Mr. PADILLA, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2103, a bill to amend the Revised Statutes of the United States to hold certain public employers liable in civil actions for deprivation of rights, and for other purposes.

S. 2160

At the request of Mr. MORAN, the name of the Senator from Georgia (Mr. WARNOCK) was added as a cosponsor of S. 2160, a bill to prohibit the Administrator of General Services from establishing per diem reimbursements rates for travel within the continental United States (commonly known as ''CONUS'') for certain fiscal years below a certain level, and for other purposes.

S. 2233

At the request of Mr. BLUMENTHAL, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2233, a bill to establish a grant program for shuttered minor league baseball clubs, and for other purposes.

S. 2266

At the request of Mr. CARDIN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2266, a bill to amend the Internal Revenue Code of 1986 to improve the historic rehabilitation tax credit, and for other purposes.

S. 2342

At the request of Mrs. GILLIBRAND, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2342, a bill to amend title 9 of the United States Code with respect to arbitration of disputes involving sexual assault and sexual harassment.

S. 2376

At the request of Mr. CRUZ, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Georgia (Mr. WARNOCK) were added as cosponsors of S. 2376, a bill to ensure the parental guardianship rights of cadets and midshipmen consistent with individual and academic responsibilities, and for other purposes.

S. 2390

At the request of Ms. DUCKWORTH, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 2390, a bill to allow Americans to receive paid leave time to process and address their own health needs and the health needs of their partners during the period following a pregnancy loss, an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure, a failed adoption arrangement, a failed surrogacy arrangement, or a diagnosis or event that impacts pregnancy or fertility, to support related research and education, and for other purposes.

S. 2493

At the request of Mr. BENNET, the name of the Senator from Iowa (Ms. ERNST) was added as a cosponsor of S. 2493, a bill to extend the deadline for eligible health care providers to use certain funds received from the COVID–19 Provider Relief Fund, and for other purposes.

S. 2559

At the request of Mr. PORTMAN, the name of the Senator from Georgia (Mr. WARNOCK) was added as a cosponsor of S. 2559, a bill to establish the National Deepfake and Digital Provenance Task Force, and for other purposes.

S. 2562

At the request of Ms. STABENOW, the names of the Senator from Maine (Mr. KING) and the Senator from North Dakota (Mr. CRAMER) were added as cosponsors of S. 2562, a bill to amend title XVIII of the Social Security Act to improve extended care services by providing Medicare beneficiaries with an option for cost effective home-based extended care under the Medicare program, and for other purposes.

S. 2675

At the request of Mr. CARDIN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2675, a bill to amend the American Rescue Plan Act of 2021 to increase appropriations to Restaurant Revitalization Fund, and for other purposes.

S. 2721

At the request of Mr. CRAPO, the name of the Senator from Iowa (Ms. ERNST) was added as a cosponsor of S. 2721, a bill to require the Internal Revenue Service to issue a report on the tax gap, to establish a fellowship program within the Internal Revenue Service to recruit mid-career tax professionals to create and participate in an audit task force, and for other purposes.

S. 2727

At the request of Mr. LANKFORD, the name of the Senator from Arizona (Mr. KELLY) was added as a cosponsor of S. 2727, a bill to provide for a period of continuing appropriations in the event of a lapse in appropriations under the normal appropriations process, and establish procedures and consequences in the event of a failure to enact appropriations.

S. 2780

At the request of Mr. MARSHALL, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2780, a bill to amend title 10, United States Code, to prohibit certain adverse personnel actions taken against members of the Armed Forces based on declining the COVID–19 vaccine.

S. 2838

At the request of Mr. PORTMAN, the names of the Senator from Nevada (Ms. ROSEN) and the Senator from Georgia (Mr. WARNOCK) were added as cosponsors of S. 2838, a bill to require the Director of the Government Publishing Office to establish and maintain an online portal accessible to the public that allows the public to obtain electronic copies of all congressionally mandated reports in one place, and for other purposes.

S. 2959

At the request of Mr. THUNE, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2959, a bill to provide that, due to disruptions caused by COVID–19, applications for impact aid funding for fiscal year 2023 may use certain data submitted in the fiscal year 2022 application.

S. 2960

At the request of Mr. MERKLEY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 2960, a bill to encourage reduction of disposable plastic products in units of the National Park System, and for other purposes.

S. 2973

At the request of Mrs. BLACKBURN, the name of the Senator from Iowa (Ms. ERNST) was added as a cosponsor of S. 2973, a bill to establish an Inspector General of the National Institutes of Health.

S. 3018

At the request of Mr. MARSHALL, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Louisiana (Mr. CASSIDY) were added as

cosponsors of S. 3018, a bill to amend title XVIII of the Social Security Act to establish requirements with respect to the use of prior authorization under Medicare Advantage plans, and for other purposes.

S. 3079

At the request of Mrs. BLACKBURN, the name of the Senator from Missouri (Mr. HAWLEY) was added as a cosponsor of S. 3079, a bill to exempt essential workers from Federal COVID–19 vaccine mandates.

S. 3108

At the request of Ms. HIRONO, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3108, a bill to provide counsel for unaccompanied children, and for other purposes.

S. 3111

At the request of Mr. COONS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3111, a bill to require the Secretary of Energy to establish a grant program to support hydrogen-fueled equipment at ports and to conduct a study with the Secretary of Transportation and the Secretary of Homeland Security on the feasibility and safety of using hydrogen-derived fuels, including ammonia, as a shipping fuel.

S. 3118

At the request of Mr. COONS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3118, a bill to require the Secretary of Energy to establish a hydrogen infrastructure finance and innovation pilot program, and for other purposes.

S. 3149

At the request of Mr. MERKLEY, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 3149, a bill to direct the Secretary of Health and Human Services to establish within the Office of the Director of the Centers for Disease Control and Prevention the Office of Rural Health, and for other purposes.

S. 3164

At the request of Mr. CARDIN, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 3164, a bill to require non-Federal prison, correctional, and detention facilities holding Federal prisoners or detainees under a contract with the Federal Government to make the same information available to the public that Federal prisons and correctional facilities are required to make available.

S. 3197

At the request of Ms. KLOBUCHAR, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Texas (Mr. CRUZ) were added as cosponsors of S. 3197, a bill to promote competition and economic opportunity in digital markets by establishing that certain acquisitions by dominant online platforms are unlawful.

S. 3217

At the request of Mr. MENENDEZ, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 3217, a bill to amend the Internal Revenue Code of 1986 to provide special rules for purposes of determining if financial guaranty insurance companies are qualifying insurance corporations under the passive foreign investment company rules.

S. 3220

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 3220, a bill to amend the Animal Welfare Act to restrict the use of exotic and wild animals in traveling performances.

S. 3229

At the request of Mrs. FISCHER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3229, a bill to amend the Agricultural Marketing Act of 1946 to establish a cattle contract library, and for other purposes.

AMENDMENT NO. 3867

At the request of Mr. REED, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 3867 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3887

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 3887 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3893

At the request of Mr. MORAN, the name of the Senator from Alabama (Mr. TUBERVILLE) was added as a cosponsor of amendment No. 3893 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3904

At the request of Mr. WARNOCK, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of amendment No. 3904 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3914

At the request of Mr. HOEVEN, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of amendment No. 3914 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3948

At the request of Mr. PORTMAN, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of amendment No. 3948 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3959

At the request of Mr. BOOZMAN, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of amendment No. 3959 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3993

At the request of Ms. ERNST, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of amendment No. 3993 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4023

At the request of Mrs. SHAHEEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of amendment No. 4023 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4075

At the request of Mr. HAWLEY, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of amendment No. 4075 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4105

At the request of Mr. LANKFORD, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of amendment No. 4105 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4119

At the request of Mr. WICKER, the name of the Senator from Alabama (Mr. TUBERVILLE) was added as a cosponsor of amendment No. 4119 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4161

At the request of Mr. WYDEN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of amendment No. 4161 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4177

At the request of Mr. MENENDEZ, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of amendment No. 4177 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4208

At the request of Mr. PADILLA, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of amendment No. 4208 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4214

At the request of Mr. PADILLA, the names of the Senator from Nevada (Ms. ROSEN) and the Senator from Montana (Mr. DAINES) were added as cosponsors of amendment No. 4214 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4216

At the request of Mr. MARKEY, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of amendment No. 4216 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4252

At the request of Mr. PADILLA, the names of the Senator from North Carolina (Mr. BURR), the Senator from North Carolina (Mr. TILLIS), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 4252 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4255

At the request of Ms. HASSAN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 4255 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4260

At the request of Mr. LUJÁN, the names of the Senator from New Jersey (Mr. BOOKER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 4260 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4269

At the request of Mr. WICKER, the name of the Senator from Alabama (Mr. TUBERVILLE) was added as a cosponsor of amendment No. 4269 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4283

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 4283 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4284

At the request of Mr. SASSE, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of amendment No. 4284 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4333

At the request of Mr. RUBIO, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of amendment No. 4333 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4402

At the request of Mr. SULLIVAN, the name of the Senator from Alabama (Mr. TUBERVILLE) was added as a cosponsor of amendment No. 4402 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4405

At the request of Mr. PETERS, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of amendment No. 4405 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4422

At the request of Mr. ROUNDS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of amendment No. 4422 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4425

At the request of Mr. REED, the names of the Senator from Nevada (Ms.

ROSEN) and the Senator from Georgia (Mr. WARNOCK) were added as cosponsors of amendment No. 4425 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4476

At the request of Mr. ROMNEY, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of amendment No. 4476 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4533

At the request of Mr. SANDERS, the names of the Senator from Hawaii (Mr. SCHATZ) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of amendment No. 4533 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4540

At the request of Mr. PORTMAN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 4540 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4566

At the request of Mr. BENNET, the name of the Senator from Colorado (Mr. HICKENLOOPER) was added as a cosponsor of amendment No. 4566 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4572

At the request of Mr. CORNYN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 4572 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4578

At the request of Ms. ERNST, the names of the Senator from Georgia (Mr. OSSOFF) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of amendment No. 4578 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4581

At the request of Mrs. GILLIBRAND, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of amendment No. 4581 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4600

At the request of Mr. LUJÁN, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of amendment No. 4600 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4629

At the request of Ms. DUCKWORTH, the names of the Senator from Nevada (Ms. ROSEN) and the Senator from Hawaii (Ms. HIRONO) were added as cosponsors of amendment No. 4629 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4638

At the request of Mr. RISCH, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 4638 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4649

At the request of Mr. WICKER, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of amendment No. 4649 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4654

At the request of Mr. SANDERS, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of amendment No. 4654 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4666

At the request of Mr. SULLIVAN, the name of the Senator from Alabama (Mr. TUBERVILLE) was added as a cosponsor of amendment No. 4666 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4671

At the request of Mr. TOOMEY, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of amendment No. 4671 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4686

At the request of Mr. CORNYN, the name of the Senator from Alabama (Mr. TUBERVILLE) was added as a cosponsor of amendment No. 4686 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4713

At the request of Mr. PADILLA, the names of the Senator from Massachusetts (Mr. MARKEY) and the Senator from Michigan (Mr. PETERS) were added as cosponsors of amendment No. 4713 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4719

At the request of Mr. BROWN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of amendment No. 4719 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year

2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4722

At the request of Mr. SANDERS, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of amendment No. 4722 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4733

At the request of Mr. RUBIO, the name of the Senator from Colorado (Mr. HICKENLOOPER) was added as a cosponsor of amendment No. 4733 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Mr. DURBIN):

S. 3233. A bill to help increase the development, distribution, and use of clean cookstoves and fuels to improve health, protect the climate and environment, empower women, create jobs, and help consumers save time and money; to the Committee on Foreign Relations.

Ms. COLLINS. Mr. President, I rise today to introduce the Clean Cooking Support Act. I am pleased to be joined in this effort by my friend and colleague, Senator DURBIN. Our bill aims to address a serious global public health and environmental issue where leadership by the United States can make a real difference.

Today, close to 3 billion people, or one-third of the global population, rely on ''dirty cooking,'' such as open fires or inefficient, polluting, and unsafe cookstoves that use agricultural waste, coal, dung, wood, charcoal, or other solid fuels, to cook their meals. The majority of people using these types of cookstoves and fuels are in developing countries in Asia, Africa, and Latin America.

Exposure to smoke from these traditional cooking methods and open fires, referred to as ''household air pollution,'' causes chronic and acute diseases such as lung cancer, heart disease, and stroke. Alarmingly, the household air pollution caused by traditional cookstoves and open tires causes 4 million premature deaths annually, including 400,000 children younger than 5 years of age, most of whom live in sub-Saharan Africa. Women and girls are disproportionately affected, as they spend hours cooking, inhaling toxic smoke, and collecting fuels.

These cookstoves also create serious environmental problems. Household air pollution does not remain in the home; it contributes to more than 10 percent of global ambient air pollution. According to the EPA, greenhouse gas emissions from nonrenewable wood fuels for cooking amount to 2 percent of the global CO2 emissions, on par with the global CO2 emissions from the aviation or shipping industries. In 2019, more than 600,000 deaths were attributed to ambient air pollution stemming from the household combustion of solid fuels.

These cookstoves should be replaced with modern alternatives to reverse these alarming health and environmental trends. Since 2010, the Clean Cooking Alliance, an innovative public-private partnership hosted by the United Nations Foundation, has supported the adoption of clean cooking worldwide, with the goal of achieving universal access to clean cooking by 2030. Recognizing the serious health and environmental issues posed by traditional cookstoves, the Alliance aims to save lives, improve livelihoods, empower women, and combat pollution by creating a thriving global market for clean and efficient household cooking solutions. In April, President Biden announced that the U.S. is resuming and strengthening its commitment to the Clean Cooking Alliance, and during a recent presentation at the 2021 United Nations Climate Change Conference that covered clean cooking and household energy, EPA Administrator Michael Regan reaffirmed this undertaking as well.

Our legislation reinforces our country's policy on promoting clean cookstoves and seeks to take a whole-of-government approach to address household air pollution. Specifically, the Clean Cooking Support Act would create an interagency working group, with representatives from at least six different Federal agencies, committed to increasing access to clean cooking fuels and technologies worldwide. Our legislation explicitly spells out the role of each Federal agency in the advancement of clean cooking as well. The Department of Energy, for instance, is tasked with research and development to spur the production of low-cost, low-emission, and high-efficiency cookstoves, while the Department of State is directed to engage in diplomatic activities across the globe to support the clean cooking and fuels sector. Finally, our bill would authorize funding for the U.S. Government to continue such activities through 2027, to ensure that these important efforts to prevent unnecessary illness and reduce pollution around the globe continue.

Our legislation would directly benefit some of the world's poorest people, including the women and girls who are disproportionately affected, and reduce harmful pollution that affects us all. I urge my colleagues to join me and Senator DURBIN in supporting the Clean Cooking Support Act.

By Mr. DURBIN (for himself, Mr. WHITEHOUSE, Ms. WARREN, Mr. BROWN, Mr. BLUMENTHAL, Ms. HIRONO, Mr. MARKEY, and Mr. REED):

S. 3251. A bill to provide that chapter 1 of title 9 of the United States Code, relating to the enforcement of arbitration agreements, shall not apply to enrollment agreements made between students and certain institutions of higher education, and to prohibit limitations on the ability of students to pursue claims against certain institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3251

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Court Legal Access and Student Support Act of 2021'' or the ''CLASS Act of 2021''.

SEC. 2. INAPPLICABILITY OF CHAPTER 1 OF TITLE 9, UNITED STATES CODE, TO ENROLLMENT AGREEMENTS MADE BETWEEN STUDENTS AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.

(a) IN GENERAL.—Chapter 1 of title 9 of the United States Code (relating to the enforcement of arbitration agreements) shall not apply to an enrollment agreement made between a student and an institution of higher education.

(b) DEFINITION.—In this section, the term ''institution of higher education'' has the meaning given such term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

SEC. 3. PROHIBITION ON LIMITATIONS ON ABILITY OF STUDENTS TO PURSUE CLAIMS AGAINST CERTAIN INSTITUTIONS OF HIGHER EDUCATION.

Section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)) is amended by adding at the end the following:

''(30) The institution will not require any student to agree to, and will not enforce, any limitation or restriction (including a limitation or restriction on any available choice of applicable law, a jury trial, or venue) on the ability of a student to pursue a claim, individually or with others, against an institution in court.''.

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 1 year after the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 456—EXPRESSING SUPPORT FOR A FREE, FAIR, AND PEACEFUL DECEMBER 4, 2021, ELECTION IN THE GAMBIA

Mr. DURBIN (for himself, Mr. RISCH, Mr. LEAHY, Mr. COONS, Mr. ROUNDS, Mr. BOOZMAN, and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 456

Whereas, in 1965, The Gambia became independent from Great Britain;

Whereas, in 1970, The Gambia became a republic following a public referendum, and Dawda Jawara was elected president and subsequently reelected an additional five times;

Whereas, from 1970 to 1994, The Gambia was one of Africa's longest running democracies and home to the continent's human rights body, the African Commission on Human and People's Rights;

Whereas, in 1994, President Jawara was forcibly removed from office in a coup by the Armed Forces Provisional Ruling Council (AFPRC), led by Lieutenant Yahya Jammeh;

Whereas, after two years of direct AFPRC rule that was heavily criticized by the international community, a flawed constitutional reform process occurred and The Gambia scheduled a new presidential election;

Whereas, in the lead up to the September 1996 presidential election, the Jammeh military government outlawed the country's main opposition parties, restricted media freedom, prohibited meetings between rival candidates and foreign diplomats, and used soldiers to attack opposition rallies;

Whereas Jammeh won the 1996 presidential election in a process widely regarded as flawed by international observers;

Whereas President Jammeh won reelection in 2001, 2006, and 2011 in electoral processes marred by political repression, intimidation, and technical flaws;

Whereas Jammeh's presidency saw targeted violence and widespread gross human rights violations, particularly against members of the media, including the murder of editor Deyda Hydara and the disappearance of journalist Ebrima Manneh;

Whereas President Jammeh personally ordered the kidnapping and torture of individuals he accused of ''witchcraft'' and threatened others over their sexual orientation;

Whereas thousands of Gambians fled into exile out of concern for their safety, becoming refugees in Africa at large and elsewhere;

Whereas the Jammeh government's human rights record was widely criticized by regional and international human rights groups, as well as the United States, European Union, and members of the United States Senate;

Whereas, in December 2016, opposition grand coalition candidate Adama Barrow, who campaigned on the promise of electoral and constitutional reform, won an upset election victory against President Jammeh;

Whereas, immediately after the 2016 election, Jammeh publicly accepted the defeat, but then later rejected the results and refused to depart the presidency;

Whereas Jammeh's refusal to accept defeat was widely condemned, with the African Union refusing to recognize him as president and the Economic Community of West African States deploying an international intervention force to The Gambia;

Whereas, on January 19, 2017, Barrow was sworn in as president at the Gambian Embassy in Senegal;

Whereas, on January 20, 2017, Jammeh and his family departed The Gambia, reportedly stealing more than $1,000,000,000 from state coffers, eventually to appear in Equatorial Guinea, where he remains in political exile with impunity;

Whereas President Barrow initially agreed to limit his term to a three-year transition ending on January 19, 2020, but later stated his intent to serve the full five-year constitutional term;

Whereas the Gambian Truth, Reconciliation, and Reparations Commission (TRRC) was established by an act of the Gambian Parliament to examine abuses committed during the Jammeh era and make recommendations as to whom to hold accountable;

Whereas more than 370 victims and former government officials testified at widely viewed TRRC hearings that documented widespread human rights abuses;

Whereas the TRRC's anticipated September 2021 final report submission to President Barrow was delayed; and

Whereas The Gambia will hold the first post-Jammeh era presidential election on December 4, 2021, which will include six presidential candidates: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Gambian people on the successful 2016 presidential election;

(2) supports the courageous and necessary work of the Truth, Reconciliation, and Reparations Commission to bring accountability, healing, and reconciliation to the nation;

(3) calls on all parties and presidential candidates to participate in a free, fair, credible, and peaceful December 4, 2021, presidential election in The Gambia; and

(4) expresses the support of the American people in The Gambia's continued and noteworthy democratic path forward.

SENATE RESOLUTION 457—EXPRESSING SUPPORT FOR THE DESIGNATION OF NOVEMBER 9, 2021, AS ''NATIONAL MICROTIA AND ATRESIA AWARENESS DAY''

Ms. WARREN (for herself, Mrs. CAPITO, and Mr. MARKEY) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 457

Whereas microtia is a congenital anomaly, affecting the outer ear, where the ear does not fully develop during the first trimester of pregnancy;

Whereas microtia is often accompanied by aural atresia, which is the absence or closure of the external auditory ear canal resulting in hearing loss;

Whereas an estimated 750,000 people worldwide have microtia;

Whereas microtia is diagnosed at birth, affecting 1 ear or both ears, but there is no understanding as to why microtia occurs;

Whereas aural atresia is usually diagnosed at birth, affecting 1 ear or both ears, but in some cases may not be recognized until later in life;

Whereas doctors and nurses may be well versed in the conditions and quickly educate and prepare parents;

Whereas, in certain settings, the conditions are rare enough that misinformation or lack of information quickly evaporates any remaining sense of celebration that accompanies a birth; and

Whereas living with facial challenges such as craniofacial microsomia and hearing loss, as well as the longing for social acceptance, are some of the daily concerns for individuals who are born with microtia or aural atresia: Now, therefore, be it

Resolved, That the Senate—

(1) expresses support for the designation of November 9, 2021, as ''National Microtia and Atresia Awareness Day'';

(2) encourages each person of the United States—

(A) to celebrate the community that is made up of not only children and adults with microtia or aural atresia, but families, teachers, advocates, and medical professionals from around the world who foster awareness and assistance; and

(B) to help promote public awareness of microtia, aural atresia, and the hope that future generations of families will leave the hospital equipped with more answers than questions, along with their dream for their child intact;

(3) supports efforts to remove unnecessary barriers and replace them with resources and tools that aim to eliminate bullying and clear the way for an even more successful future for those with microtia or atresia;

(4) encourages Federal, State, and local policymakers to work together—

(A) to raise awareness about microtia or atresia;

(B) to improve proper diagnosis of microtia or atresia; and

(C) to support advancements in technology that improve the lives of those with microtia and aural atresia; and

(5) encourages the President to issue a proclamation calling upon the people of the United States to observe the day with appropriate awareness and educational activities.

SENATE RESOLUTION 458—RECOGNIZING THE 75TH ANNIVERSARY OF THE ESTABLISHMENT OF THE UNITED NATIONS CHILDREN'S FUND

Mr. COONS submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 458

Whereas, for 75 years, the United Nations Children's Fund (commonly known as ''UNICEF'') has worked tirelessly to support the rights and well-being of every child, in partnership with the United States;

Whereas UNICEF was established in December 1946 to provide relief for children and adolescents in war-ravished countries and for child health purposes generally and to provide, without discrimination, assistance to vulnerable children around the world;

Whereas, in 1965, the Nobel Prize was awarded to UNICEF for the ''promotion of brotherhood among nations'';

Whereas UNICEF has been and remains a formidable and stalwart advocate for children around the world;

Whereas UNICEF operates in more than 190 countries and territories to save the lives, to defend the rights, and fulfill the potential of children from early childhood through adolescence;

Whereas UNICEF partners with United States service organizations, including with Rotary International to eradicate polio, Kiwanis International to fight maternal and neonatal tetanus and iodine deficiency disorders, the American Red Cross to decrease the incidence of childhood measles, Lions Club International to promote and support education initiatives globally, Special Olympics International to protect and uphold the

rights of children with disabilities, and many other organizations;

Whereas, since 1990, continuing efforts by UNICEF in partnership with the United States and other countries have helped slash child mortality rates by more than half;

Whereas UNICEF provides critical water, sanitation, and hygiene services and supplies for millions of people in 153 countries;

Whereas UNICEF trains social service workers to deliver essential services and to provide community-based mental health and psychosocial interventions that reach children, adolescents, parents, and caregivers in 117 countries;

Whereas UNICEF helps provide education to millions of children and works to ensure that every child has access to education and the opportunity to develop the skills needed for life and work;

Whereas UNICEF plays a key role in the global response by the United Nations to the COVID–19 pandemic and in the global vaccine distribution plan;

Whereas, beyond the COVID–19 pandemic, UNICEF responds to new and ongoing humanitarian situations in 152 countries;

Whereas UNICEF remains a trusted and reliable source for the secure delivery of vaccines and medicines around the world, particularly for vulnerable populations;

Whereas UNICEF provides personal protective equipment and facilitates training on infection prevention and control for millions of health workers; and

Whereas UNICEF, through its work on the front lines of the COVID–19 pandemic, seeks not only to facilitate recovery from the COVID–19 crisis, but also to reimagine the future for every child by implementing solutions to respond effectively to the COVID–19 pandemic and strengthening systems to better respond to future crises: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 75th anniversary of the establishment of the United Nations Children's Fund (commonly known as ''UNICEF'');

(2) applauds UNICEF for the critical role it plays in protecting the rights and lives of vulnerable children around the world, including the global fight against COVID–19;

(3) recommits to the United States partnership with and support for UNICEF; and

(4) pledges to work with UNICEF to reimagine the future for every child as the world recovers and rebuilds from the COVID–19 pandemic.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4783. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4784. Mr. KING (for himself, Mr. ROUNDS, Mr. SASSE, Ms. ROSEN, Ms. HASSAN, and Mr. OSSOFF) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4785. Mr. OSSOFF (for himself, Mr. KING, Ms. CORTEZ MASTO, Mr. ROUNDS, and Mr. KELLY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4786. Mr. MENENDEZ (for himself, Mr. SCHUMER, Mr. BOOKER, Mrs. GILLIBRAND, Mr. BLUMENTHAL, and Mr. MURPHY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4787. Mrs. SHAHEEN (for herself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4788. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4789. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4790. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4791. Mr. MORAN (for himself and Ms. ROSEN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4792. Mrs. MURRAY (for herself and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4793. Mr. LEE (for himself and Mr. DAINES) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4794. Mr. RISCH (for himself, Mr. PORTMAN, Mr. CRUZ, Mr. BARRASSO, Mr. JOHNSON, Mr. COTTON, and Mr. DAINES) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4795. Mr. SHELBY (for himself, Mr. INHOFE, Mr. WICKER, Mr. BLUNT, Mrs. CAPITO, Mrs. HYDE-SMITH, Mr. COTTON, Mr. BOOZMAN, Ms. COLLINS, Mr. KENNEDY, Ms. MURKOWSKI, Mr. CRAMER, Mr. TILLIS, and Mr. HOEVEN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4796. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4797. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4798. Mr. CASSIDY (for himself, Mr. WHITEHOUSE, and Ms. WARREN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4799. Mr. PETERS (for himself, Mr. PORTMAN, Mr. WARNER, Ms. COLLINS, Mr. KING, Mr. RUBIO, Mr. RISCH, Ms. ROSEN, Mr. CORNYN, and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4800. Ms. KLOBUCHAR (for herself and Mr. BLUNT) submitted an amendment intended to be proposed by her to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4801. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4802. Mr. OSSOFF (for himself, Mr. TILLIS, Mr. KING, Ms. CORTEZ MASTO, Mr. ROUNDS, Mr. SCOTT of South Carolina, and Mr. KELLY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4803. Ms. DUCKWORTH (for herself, Mr. KELLY, Ms. HIRONO, Ms. ROSEN, Mr. BENNET, Mr. HEINRICH, Mr. MORAN, Mr. YOUNG, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. KING, Mrs. SHAHEEN, Ms. KLOBUCHAR, Mr. DURBIN, Mr. PETERS, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4804. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4805. Ms. CORTEZ MASTO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4806. Ms. SMITH (for herself and Mr. YOUNG) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4807. Ms. SMITH (for herself, Mr. CASSIDY, and Ms. WARREN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4808. Mrs. FEINSTEIN (for herself, Ms. ERNST, Mr. DURBIN, Ms. COLLINS, Ms. HIRONO, Ms. ROSEN, Mr. PETERS, Mr. CORNYN, and Ms. DUCKWORTH) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4809. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4810. Mrs. GILLIBRAND (for herself, Mr. RUBIO, Mr. HEINRICH, Mr. BLUNT, and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4811. Mr. TUBERVILLE (for himself and Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4812. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED

and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4813. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4814. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4815. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4816. Mr. COONS submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4817. Ms. SINEMA submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4818. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4819. Mr. SULLIVAN (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4820. Mr. COTTON (for himself, Mr. MANCHIN, Mr. TUBERVILLE, and Mr. KELLY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4821. Mr. BROWN (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4822. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4823. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4824. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4825. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4826. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4827. Mr. ROUNDS (for himself and Mr. VAN HOLLEN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4828. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4829. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4830. Mr. MANCHIN (for himself, Mrs. CAPITO, Mrs. HYDE-SMITH, Mr. ROMNEY, Mr. COTTON, Mrs. BLACKBURN, and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4831. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4832. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4833. Mr. BARRASSO (for himself, Mr. CRUZ, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4783. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. 1283. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES AGAINST ISIS AND ASSOCIATED FORCES IN IRAQ.

The President is authorized to use the Armed Forces of the United States as the President determines to be necessary and appropriate in order to defend the national security of the United States against the threat posed by the Islamic State of Iraq and Syria (ISIS) and associated forces in Iraq.

SEC. 1284. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES TO PROTECT UNITED STATES DIPLOMATS AND UNITED STATES DIPLOMATIC FACILITIES IN IRAQ AGAINST TERRORIST ATTACKS.

The President is authorized to use the Armed Forces of the United States as the President determines to be necessary and appropriate in order to protect United States diplomats and United States diplomatic facilities in Iraq against terrorist attacks.

SEC. 1285. RULE OF CONSTRUCTION REGARDING THE CONSTITUTIONAL POWERS OF THE PRESIDENT AS COMMANDER-IN-CHIEF.

Nothing in this Act shall be construed to infringe upon the constitutional powers of the President as Commander-in-Chief under Article II of the Constitution of the United States.

SA 4784. Mr. KING (for himself, Mr. ROUNDS, Mr. SASSE, Ms. ROSEN, Ms. HASSAN, and Mr. OSSOFF) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—DEFENSE OF UNITED STATES INFRASTRUCTURE

SEC. 5001. SHORT TITLE.

This division may be cited as the ''Defense of United States Infrastructure Act of 2021''.

SEC. 5002. DEFINITIONS.

In this division:

(1) CRITICAL INFRASTRUCTURE.—The term ''critical infrastructure'' has the meaning given such term in section 1016(e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c(e)).

(2) CYBERSECURITY RISK.—The term ''cybersecurity risk'' has the meaning given such term in section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659).

(3) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

TITLE LI—INVESTING IN CYBER RESILIENCY IN CRITICAL INFRASTRUCTURE

SEC. 5101. NATIONAL RISK MANAGEMENT CYCLE.

(a) AMENDMENTS.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended—

(1) in section 2202(c) (6 U.S.C. 652(c))—

(A) in paragraph (11), by striking ''and'' at the end;

(B) in the first paragraph designated as paragraph (12), relating to the Cybersecurity State Coordinator—

(i) by striking ''section 2215'' and inserting ''section 2217''; and

(ii) by striking ''and'' at the end; and

(C) by redesignating the second and third paragraphs designated as paragraph (12) as paragraphs (13) and (14), respectively;

(2) by redesignating section 2217 (6 U.S.C. 665f) as section 2220;

(3) by redesignating section 2216 (6 U.S.C. 665e) as section 2219;

(4) by redesignating the fourth section 2215 (relating to Sector Risk Management Agencies) (6 U.S.C. 665d) as section 2218;

(5) by redesignating the third section 2215 (relating to the Cybersecurity State Coordinator) (6 U.S.C. 665c) as section 2217;

(6) by redesignating the second section 2215 (relating to the Joint Cyber Planning Office) (6 U.S.C. 665b) as section 2216; and

(7) by adding at the end the following:

''SEC. 2220A. NATIONAL RISK MANAGEMENT CYCLE.

''(a) NATIONAL CRITICAL FUNCTIONS DEFINED.—In this section, the term 'national critical functions' means the functions of

government and the private sector so vital to the United States that their disruption, corruption, or dysfunction would have a debilitating effect on security, national economic security, national public health or safety, or any combination thereof.

''(b) NATIONAL RISK MANAGEMENT CYCLE.—

''(1) RISK IDENTIFICATION AND ASSESSMENT.—

''(A) IN GENERAL.—The Secretary, acting through the Director, shall establish a recurring process by which to identify, assess, and prioritize risks to critical infrastructure, considering both cyber and physical threats, the associated likelihoods, vulnerabilities, and consequences, and the resources necessary to address them.

''(B) CONSULTATION.—In establishing the process required under subparagraph (A), the Secretary shall consult with, and request and collect information to support analysis from, Sector Risk Management Agencies, critical infrastructure owners and operators, the Assistant to the President for National Security Affairs, the Assistant to the President for Homeland Security, and the National Cyber Director.

''(C) PUBLICATION.—Not later than 180 days after the date of enactment of this section, the Secretary shall publish in the Federal Register procedures for the process established under subparagraph (A), subject to any redactions the Secretary determines are necessary to protect classified or other sensitive information.

''(D) REPORT.—The Secretary shall submit to the President, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a report on the risks identified by the process established under subparagraph (A)—

''(i) not later than 1 year after the date of enactment of this section; and

''(ii) not later than 1 year after the date on which the Secretary submits a periodic evaluation described in section 9002(b)(2) of title XC of division H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

''(2) NATIONAL CRITICAL INFRASTRUCTURE RESILIENCE STRATEGY.—

''(A) IN GENERAL.—Not later than 1 year after the date on which the Secretary delivers each report required under paragraph (1), the President shall deliver to majority and minority leaders of the Senate, the Speaker and minority leader of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a national critical infrastructure resilience strategy designed to address the risks identified by the Secretary.

''(B) ELEMENTS.—Each strategy delivered under subparagraph (A) shall—

''(i) identify, assess, and prioritize areas of risk to critical infrastructure that would compromise or disrupt national critical functions impacting national security, economic security, or public health and safety;

''(ii) assess the implementation of the previous national critical infrastructure resilience strategy, as applicable;

''(iii) identify and outline current and proposed national-level actions, programs, and efforts to be taken to address the risks identified;

''(iv) identify the Federal departments or agencies responsible for leading each national-level action, program, or effort and the relevant critical infrastructure sectors for each; and

''(v) request any additional authorities necessary to successfully execute the strategy.

''(C) FORM.—Each strategy delivered under subparagraph (A) shall be unclassified, but may contain a classified annex.

''(3) CONGRESSIONAL BRIEFING.—Not later than 1 year after the date on which the President delivers a strategy under this section, and every year thereafter, the Secretary, in coordination with Sector Risk Management Agencies, shall brief the appropriate committees of Congress on—

''(A) the national risk management cycle activities undertaken pursuant to the strategy; and

''(B) the amounts and timeline for funding that the Secretary has determined would be necessary to address risks and successfully execute the full range of activities proposed by the strategy.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by striking the item relating to section 2214 and all that follows through the item relating to section 2217 and inserting the following:

''Sec. 2214. National Asset Database.
''Sec. 2215. Duties and authorities relating to .gov internet domain.
''Sec. 2216. Joint Cyber Planning Office.
''Sec. 2217. Cybersecurity State Coordinator.
''Sec. 2218. Sector Risk Management Agencies.
''Sec. 2219. Cybersecurity Advisory Committee.
''Sec. 2220. Cybersecurity education and training programs.
''Sec. 2220A. National risk management cycle.''.

(2) ADDITIONAL TECHNICAL AMENDMENT.—

(A) AMENDMENT.—Section 904(b)(1) of the DOTGOV Act of 2020 (title IX of division U of Public Law 116–260) is amended, in the matter preceding subparagraph (A), by striking ''Homeland Security Act'' and inserting ''Homeland Security Act of 2002''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if enacted as part of the DOTGOV Act of 2020 (title IX of division U of Public Law 116–260).

TITLE LII—IMPROVING THE ABILITY OF THE FEDERAL GOVERNMENT TO ASSIST IN ENHANCING CRITICAL INFRASTRUCTURE CYBER RESILIENCE

SEC. 5201. INSTITUTE A 5-YEAR TERM FOR THE DIRECTOR OF THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.

(a) IN GENERAL.—Subsection (b)(1) of section 2202 of the Homeland Security Act of 2002 (6 U.S.C. 652), is amended by inserting ''The term of office of an individual serving as Director shall be 5 years.'' after ''who shall report to the Secretary.''.

(b) TRANSITION RULES.—The amendment made by subsection (a) shall take effect on the first appointment of an individual to the position of Director of the Cybersecurity and Infrastructure Security Agency, by and with the advice and consent of the Senate, that is made on or after the date of enactment of this Act.

SEC. 5202. CYBER THREAT INFORMATION COLLABORATION ENVIRONMENT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CRITICAL INFRASTRUCTURE INFORMATION.—The term ''critical infrastructure information'' has the meaning given such term in section 2222 of the Homeland Security Act of 2002 (6 U.S.C. 671).

(2) CYBER THREAT INDICATOR.—The term ''cyber threat indicator'' has the meaning given such term in section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501).

(3) CYBERSECURITY THREAT.—The term ''cybersecurity threat'' has the meaning given such term in section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501).

(4) ENVIRONMENT.—The term ''environment'' means the information collaboration environment established under subsection (b).

(5) INFORMATION SHARING AND ANALYSIS ORGANIZATION.—The term ''information sharing and analysis organization'' has the meaning given such term in section 2222 of the Homeland Security Act of 2002 (6 U.S.C. 671).

(6) NON-FEDERAL ENTITY.—The term ''non-Federal entity'' has the meaning given such term in section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501).

(b) PROGRAM.—The Secretary, in consultation with the Secretary of Defense, the Director of National Intelligence, and the Attorney General, shall carry out a program under which the Secretary shall develop an information collaboration environment consisting of a digital environment containing technical tools for information analytics and a portal through which relevant parties may submit and automate information inputs and access the environment in order to enable interoperable data flow that enable Federal and non-Federal entities to identify, mitigate, and prevent malicious cyber activity to—

(1) provide limited access to appropriate and operationally relevant data from unclassified and classified intelligence about cybersecurity risks and cybersecurity threats, as well as malware forensics and data from network sensor programs, on a platform that enables query and analysis;

(2) enable cross-correlation of data on cybersecurity risks and cybersecurity threats at the speed and scale necessary for rapid detection and identification;

(3) facilitate a comprehensive understanding of cybersecurity risks and cybersecurity threats; and

(4) facilitate collaborative analysis between the Federal Government and public and private sector critical infrastructure entities and information and analysis organizations.

(c) IMPLEMENTATION OF INFORMATION COLLABORATION ENVIRONMENT.—

(1) EVALUATION.—Not later than 180 days after the date of enactment of this Act, the Secretary, acting through the Director of the Cybersecurity and Infrastructure Security Agency, and in coordination with the Secretary of Defense, the Director of National Intelligence, and the Attorney General, shall—

(A) identify, inventory, and evaluate existing Federal sources of classified and unclassified information on cybersecurity threats;

(B) evaluate current programs, applications, or platforms intended to detect, identify, analyze, and monitor cybersecurity risks and cybersecurity threats;

(C) consult with public and private sector critical infrastructure entities to identify public and private critical infrastructure cyber threat capabilities, needs, and gaps; and

(D) identify existing tools, capabilities, and systems that may be adapted to achieve the purposes of the environment in order to maximize return on investment and minimize cost.

(2) IMPLEMENTATION.—

(A) IN GENERAL.—Not later than 1 year after completing the evaluation required under paragraph (1)(B), the Secretary, acting through the Director of the Cybersecurity and Infrastructure Security Agency, and in consultation with the Secretary of Defense, the Director of National Intelligence, and

the Attorney General, shall begin implementation of the environment to enable participants in the environment to develop and run analytic tools referred to in subsection (b) on specified data sets for the purpose of identifying, mitigating, and preventing malicious cyber activity that is a threat to public and private critical infrastructure.

(B) REQUIREMENTS.—The environment and the use of analytic tools referred to in subsection (b) shall—

(i) operate in a manner consistent with relevant privacy, civil rights, and civil liberties policies and protections, including such policies and protections established pursuant to section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485);

(ii) account for appropriate data interoperability requirements;

(iii) enable integration of current applications, platforms, data, and information, including classified information, in a manner that supports the voluntary integration of unclassified and classified information on cybersecurity risks and cybersecurity threats;

(iv) incorporate tools to manage access to classified and unclassified data, as appropriate;

(v) ensure accessibility by entities the Secretary, in consultation with the Secretary of Defense, the Director of National Intelligence, and the Attorney General, determines appropriate;

(vi) allow for access by critical infrastructure stakeholders and other private sector partners, at the discretion of the Secretary, in consultation with the Secretary of Defense, the Director of National Intelligence, and the Attorney General;

(vii) deploy analytic tools across classification levels to leverage all relevant data sets, as appropriate;

(viii) identify tools and analytical software that can be applied and shared to manipulate, transform, and display data and other identified needs; and

(ix) anticipate the integration of new technologies and data streams, including data from government-sponsored network sensors or network-monitoring programs deployed in support of non-Federal entities.

(3) ANNUAL REPORT REQUIREMENT ON THE IMPLEMENTATION, EXECUTION, AND EFFECTIVENESS OF THE PROGRAM.—Not later than 1 year after the date of enactment of this Act, and every year thereafter until the date that is 1 year after the program under this section terminates under subsection (g), the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives a report that details—

(A) Federal Government participation in the environment, including the Federal entities participating in the environment and the volume of information shared by Federal entities into the environment;

(B) non-Federal entities' participation in the environment, including the non-Federal entities participating in the environment and the volume of information shared by non-Federal entities into the environment;

(C) the impact of the environment on positive security outcomes for the Federal Government and non-Federal entities;

(D) barriers identified to fully realizing the benefit of the environment both for the Federal Government and non-Federal entities;

(E) additional authorities or resources necessary to successfully execute the environment; and

(F) identified shortcomings or risks to data security and privacy, and the steps necessary to improve the mitigation of the shortcomings or risks.

(d) CYBER THREAT DATA INTEROPERABILITY REQUIREMENTS.—

(1) ESTABLISHMENT.—The Secretary, in coordination with the Secretary of Defense, the Director of National Intelligence, and the Attorney General, shall identify or establish data interoperability requirements for non-Federal entities to participate in the environment.

(2) DATA STREAMS.—The Secretary, in coordination with the heads of appropriate departments and agencies, shall identify, designate, and periodically update programs that shall participate in or be interoperable with the environment, in a manner consistent with data security standards under Federal law, which may include—

(A) network-monitoring and intrusion detection programs;

(B) cyber threat indicator sharing programs;

(C) certain government-sponsored network sensors or network-monitoring programs;

(D) incident response and cybersecurity technical assistance programs; or

(E) malware forensics and reverse-engineering programs.

(3) DATA GOVERNANCE.—The Secretary, in coordination with the Secretary of Defense, the Director of National Intelligence, and the Attorney General, shall establish procedures and data governance structures, as necessary, to protect data shared in the environment, comply with Federal regulations and statutes, and respect existing consent agreements with private sector critical infrastructure entities that apply to critical infrastructure information.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall change existing ownership or protection of, or policies and processes for access to, agency data.

(e) NATIONAL SECURITY SYSTEMS.—Nothing in this section shall apply to national security systems, as defined in section 3552 of title 44, United States Code, or to cybersecurity threat intelligence related to such systems, without the consent of the relevant element of the intelligence community, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(f) PROTECTION OF INTELLIGENCE SOURCES AND METHODS.—The Director of National Intelligence shall ensure that any information sharing conducted under this section shall protect intelligence sources and methods from unauthorized disclosure in accordance with section 102A(i) of the National Security Act (50 U.S.C. 3024(i)).

(g) DURATION.—The program under this section shall terminate on the date that is 5 years after the date of enactment of this Act.

TITLE LIII—ENABLING THE NATIONAL CYBER DIRECTOR

SEC. 5401. ESTABLISHMENT OF HIRING AUTHORITIES FOR THE OFFICE OF THE NATIONAL CYBER DIRECTOR.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the National Cyber Director.

(2) EXCEPTED SERVICE.—The term ''excepted service'' has the meaning given such term in section 2103 of title 5, United States Code.

(3) OFFICE.—The term ''Office'' means the Office of the National Cyber Director.

(4) QUALIFIED POSITION.—The term ''qualified position'' means a position identified by the Director under subsection (b)(1)(A), in which the individual occupying such position performs, manages, or supervises functions that execute the responsibilities of the Office.

(b) HIRING PLAN.—The Director shall, for purposes of carrying out the functions of the Office—

(1) craft an implementation plan for positions in the excepted service in the Office, which shall propose—

(A) qualified positions in the Office, as the Director determines necessary to carry out the responsibilities of the Office; and

(B) subject to the requirements of paragraph (2), rates of compensation for an individual serving in a qualified position;

(2) propose rates of basic pay for qualified positions, which shall—

(A) be determined in relation to the rates of pay provided for employees in comparable positions in the Office, in which the employee occupying the comparable position performs, manages, or supervises functions that execute the mission of the Office; and

(B) subject to the same limitations on maximum rates of pay and consistent with section 5341 of title 5, United States Code, adopt such provisions of that title to provide for prevailing rate systems of basic pay and apply those provisions to qualified positions for employees in or under which the Office may employ individuals described by section 5342(a)(2)(A) of such title; and

(3) craft proposals to provide—

(A) employees in qualified positions compensation (in addition to basic pay), including benefits, incentives, and allowances, consistent with, and not in excess of the level authorized for, comparable positions authorized by title 5, United States Code; and

(B) employees in a qualified position for which the Director proposes a rate of basic pay under paragraph (2) an allowance under section 5941 of title 5, United States Code, on the same basis and to the same extent as if the employee was an employee covered by such section, including eligibility conditions, allowance rates, and all other terms and conditions in law or regulation.

SA 4785. Mr. OSSOFF (for himself, Mr. KING, Ms. CORTEZ MASTO, Mr. ROUNDS, and Mr. KELLY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DR. DAVID SATCHER CYBERSECURITY EDUCATION GRANT PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''Cybersecurity Opportunity Act''.

(b) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the National Institute of Standards and Technology.

(2) ENROLLMENT OF NEEDY STUDENTS.—The term ''enrollment of needy students'' has the meaning given the term in section 312(d) of the Higher Education Act of 1965 (20 U.S.C. 1058(d)).

(3) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ''historically Black college or university'' has the meaning given the term ''part B institution'' as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(4) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(5) MINORITY-SERVING INSTITUTION.—The term ''minority-serving institution'' means an institution listed in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(c) AUTHORIZATION OF GRANTS.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Director shall carry out the Dr. David Satcher Cybersecurity Education Grant Program by—

(A) awarding grants to assist institutions of higher education that have an enrollment of needy students, historically Black colleges and universities, and minority-serving institutions, to establish or expand cybersecurity programs, to build and upgrade institutional capacity to better support new or existing cybersecurity programs, including cybersecurity partnerships with public and private entities, and to support such institutions on the path to producing qualified entrants in the cybersecurity workforce or becoming a National Center of Academic Excellence in Cybersecurity; and

(B) awarding grants to build capacity at institutions of higher education that have an enrollment of needy students, historically Black colleges and universities, and minority-serving institutions, to expand cybersecurity education opportunities, cybersecurity programs, cybersecurity research, and cybersecurity partnerships with public and private entities.

(2) RESERVATION.—The Director shall award not less than 50 percent of the amount available for grants under this section to historically Black colleges and universities and minority-serving institutions.

(3) COORDINATION.—The Director shall carry out this section in consultation with appropriate Federal agencies.

(4) SUNSET.—The Director's authority to award grants under paragraph (1) shall terminate on the date that is 5 years after the date the Director first awards a grant under paragraph (1).

(d) APPLICATIONS.—An eligible institution seeking a grant under subsection (a) shall submit an application to the Director at such time, in such manner, and containing such information as the Director may reasonably require, including a statement of how the institution will use the funds awarded through the grant to expand cybersecurity education opportunities at the eligible institution.

(e) ACTIVITIES.—An eligible institution that receives a grant under this section may use the funds awarded through such grant for increasing research, education, technical, partnership, and innovation capacity, including for—

(1) building and upgrading institutional capacity to better support new or existing cybersecurity programs, including cybersecurity partnerships with public and private entities;

(2) building and upgrading institutional capacity to provide hands-on research and training experiences for undergraduate and graduate students; and

(3) outreach and recruitment to ensure students are aware of such new or existing cybersecurity programs, including cybersecurity partnerships with public and private entities.

(f) REPORTING REQUIREMENTS.—Not later than—

(1) 1 year after the effective date of this section, as provided in subsection (h), and annually thereafter until the Director submits the report under paragraph (2), the Director shall prepare and submit to Congress a report on the status and progress of implementation of the grant program under this section, including on the number and nature of institutions participating, the number and nature of students served by institutions receiving grants, the level of funding provided to grant recipients, the types of activities being funded by the grants program, and plans for future implementation and development; and

(2) 5 years after the effective date of this section, as provided in subsection (h), the Director shall prepare and submit to Congress a report on the status of cybersecurity education programming and capacity-building at institutions receiving grants under this section, including changes in the scale and scope of these programs, associated facilities, or in accreditation status, and on the educational and employment outcomes of students participating in cybersecurity programs that have received support under this section.

(g) PERFORMANCE METRICS.—The Director shall establish performance metrics for grants awarded under this section.

(h) EFFECTIVE DATE.—This section shall take effect 1 year after the date of enactment of this Act.

SA 4786. Mr. MENENDEZ (for himself, Mr. SCHUMER, Mr. BOOKER, Mrs. GILLIBRAND, Mr. BLUMENTHAL, and Mr. MURPHY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. APPROPRIATIONS FOR CATCH-UP PAYMENTS.

Section 404(d)(4)(C) of the Justice for United States Victims of State Sponsored Terrorism Act (34 U.S.C. 20144(d)(4)(C)) is amended by adding at the end the following:

''(iv) FUNDING.—

''(I) APPROPRIATIONS.—

''(aa) IN GENERAL.—There are authorized to be appropriated and there are appropriated to the Fund such sums as may be necessary to carry out this subparagraph, to remain available until expended.

''(bb) EMERGENCY DESIGNATION.—The amounts provided under this subclause are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

''(cc) DESIGNATION IN THE HOUSE AND SENATE.—This subclause is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

''(II) LIMITATION.—Amounts appropriated pursuant to subclause (I) may not be used for a purpose other than to make lump sum catch-up payments under this subparagraph.''.

SA 4787. Mrs. SHAHEEN (for herself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

Subtitle D—Access to Contraception

SEC. 761. SHORT TITLE.

This subtitle may be cited as the ''Access to Contraception for Servicemembers and Dependents Act of 2021''.

SEC. 762. FINDINGS.

Congress finds the following:

(1) Women are serving in the Armed Forces at increasing rates, playing a critical role in the national security of the United States. Women comprise more than 18 percent of members of the Armed Forces, and as of fiscal year 2019, more than 390,000 women serve on active duty in the Armed Forces or in the reserve components. An estimated several thousand transgender men also serve on active duty in the Armed Forces and in the reserve components, in addition to non-binary members and those who identify with a different gender.

(2) Ninety-five percent of women serving in the Armed Forces are of reproductive age and as of 2019, more than 700,000 female spouses and dependents of members of the Armed Forces on active duty are of reproductive age.

(3) The TRICARE program covered more than 1,570,000 women of reproductive age in 2019, including spouses and dependents of members of the Armed Forces on active duty. Additionally, thousands of transgender dependents of members of the Armed Forces are covered by the TRICARE program.

(4) The right to access contraception is grounded in the principle that contraception and the ability to determine if and when to have children are inextricably tied to one's wellbeing, equality, and ability to determine the course of one's life. These protections have helped access to contraception become a driving force in improving the health and financial security of individuals and their families.

(5) Access to contraception is critical to the health of every individual capable of becoming pregnant. This subtitle is intended to apply to all individuals with the capacity for pregnancy, including cisgender women, transgender men, non-binary individuals, those who identify with a different gender, and others.

(6) Studies have shown that when cost barriers to the full range of methods of contraception are eliminated, patients are more likely to use the contraceptive method that meets their needs, and therefore use contraception correctly and more consistently, reducing the risk of unintended pregnancy.

(7) Under the TRICARE program, members of the Armed Forces on active duty have full coverage of all prescription drugs, including contraception, without cost-sharing requirements, in line with the Patient Protection and Affordable Care Act (Public Law 111–148), which requires coverage of all contraceptive methods approved by the Food and Drug Administration for women and related services and education and counseling. However, members not on active duty and dependents of members do not have similar coverage of all methods of contraception approved by the Food and Drug Administration without cost-sharing when they obtain the contraceptive outside of a military medical treatment facility.

(8) In order to fill gaps in coverage and access to preventive care critical for women's

health, the Patient Protection and Affordable Care Act (Public Law 111–148) requires all non-grandfathered individual and group health plans to cover without cost-sharing preventive services, including a set of evidence-based preventive services for women supported by the Health Resources and Services Administration of the Department of Health and Human Services. These women's preventive services include the full range of female-controlled contraceptive methods, effective family planning practices, and sterilization procedures, approved by the Food and Drug Administration. The Health Resources and Services Administration has affirmed that contraceptive care includes contraceptive counseling, initiation of contraceptive use, and follow-up care (such as management, evaluation, and changes to and removal or discontinuation of the contraceptive method).

(9) The Defense Advisory Committee on Women in the Services has recommended that all the Armed Forces, to the extent that they have not already, implement initiatives that inform members of the Armed Forces of the importance of family planning, educate them on methods of contraception, and make various methods of contraception available, based on the finding that family planning can increase the overall readiness and quality of life of all members of the Armed Forces.

(10) The military departments received more than 7,800 reports of sexual assaults involving members of the Armed Forces as victims or subjects during fiscal year 2019. Through regulations, the Department of Defense already supports a policy of ensuring that members of the Armed Forces who are sexually assaulted have access to emergency contraception, and the initiation of contraception if desired and medically appropriate.

SEC. 763. CONTRACEPTION COVERAGE PARITY UNDER THE TRICARE PROGRAM.

(a) PHARMACY BENEFITS PROGRAM.—Section 1074g(a)(6) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(D) Notwithstanding subparagraphs (A), (B), and (C), cost-sharing requirements may not be imposed and cost-sharing amounts may not be collected with respect to any eligible covered beneficiary for any prescription contraceptive on the uniform formulary provided through a retail pharmacy described in paragraph (2)(E)(ii) or through the national mail-order pharmacy program.''.

(b) TRICARE SELECT.—Section 1075 of such title is amended—

(1) in subsection (c), by adding at the end the following new paragraph:

''(4)(A) Notwithstanding any other provision of this section, cost-sharing requirements may not be imposed and cost-sharing amounts may not be collected with respect to any beneficiary under this section for a service described in subparagraph (B) that is provided by a network provider.

''(B) A service described in this subparagraph is any method of contraception approved by the Food and Drug Administration, any contraceptive care (including with respect to insertion, removal, and follow up), any sterilization procedure, or any patient education or counseling service provided in connection with any such method, care, or procedure.''; and

(2) in subsection (f), by striking ''calculated as'' and inserting ''calculated (except as provided in subsection (c)(4)) as''.

(c) TRICARE PRIME.—Section 1075a of such title is amended by adding at the end the following new subsection:

''(d) PROHIBITION ON COST-SHARING FOR CERTAIN SERVICES.—(1) Notwithstanding subsections (a), (b), and (c), cost-sharing requirements may not be imposed and cost-sharing amounts may not be collected with respect to any beneficiary enrolled in TRICARE Prime for a service described in paragraph (2) that is provided under TRICARE Prime.

''(2) A service described in this paragraph is any method of contraception approved by the Food and Drug Administration, any contraceptive care (including with respect to insertion, removal, and follow up), any sterilization procedure, or any patient education or counseling service provided in connection with any such method, care, or procedure.''.

SEC. 764. PREGNANCY PREVENTION ASSISTANCE AT MILITARY MEDICAL TREATMENT FACILITIES FOR SEXUAL ASSAULT SURVIVORS.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074o the following new section:

''§ 1074p. Provision of pregnancy prevention assistance at military medical treatment facilities

''(a) INFORMATION AND ASSISTANCE.—The Secretary of Defense shall promptly furnish to sexual assault survivors at each military medical treatment facility the following:

''(1) Comprehensive, medically and factually accurate, and unbiased written and oral information about all methods of emergency contraception approved by the Food and Drug Administration.

''(2) Upon request by the sexual assault survivor, emergency contraception or, if applicable, a prescription for emergency contraception.

''(3) Notification of the right of the sexual assault survivor to confidentiality with respect to the information and care and services furnished under this section.

''(b) INFORMATION.—The Secretary shall ensure that information provided pursuant to subsection (a) is provided in language that—

''(1) is clear and concise;

''(2) is readily comprehensible; and

''(3) meets such conditions (including conditions regarding the provision of information in languages other than English) as the Secretary may prescribe in regulations to carry out this section.

''(c) DEFINITIONS.—In this section:

''(1) The term 'sexual assault survivor' means any individual who presents at a military medical treatment facility and—

''(A) states to personnel of the facility that the individual experienced a sexual assault;

''(B) is accompanied by another person who states that the individual experienced a sexual assault; or

''(C) whom the personnel of the facility reasonably believes to be a survivor of sexual assault.

''(2) The term 'sexual assault' means the conduct described in section 1565b(c) of this title that may result in pregnancy.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074o the following new item:

''1074p. Provision of pregnancy prevention assistance at military medical treatment facilities.''.

SEC. 765. EDUCATION ON FAMILY PLANNING FOR MEMBERS OF THE ARMED FORCES.

(a) EDUCATION PROGRAMS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish a uniform standard curriculum to be used in education programs on family planning for all members of the Armed Forces, including both men and women members.

(2) TIMING.—Education programs under paragraph (1) shall be provided to members of the Armed Forces as follows:

(A) During the first year of service of the member.

(B) At such other times as each Secretary of a military department determines appropriate with respect to members of the Armed Forces under the jurisdiction of such Secretary.

(3) SENSE OF CONGRESS.—It is the sense of Congress that the education programs under paragraph (1) should be evidence-informed and use the latest technology available to efficiently and effectively deliver information to members of the Armed Forces.

(b) ELEMENTS.—The uniform standard curriculum for education programs under subsection (a) shall include the following:

(1) Information for members of the Armed Forces on active duty to make informed decisions regarding family planning.

(2) Information about the prevention of unintended pregnancy and sexually transmitted infections, including human immunodeficiency virus (commonly known as ''HIV'').

(3) Information on—

(A) the importance of providing comprehensive family planning for members of the Armed Forces, including commanding officers; and

(B) the positive impact family planning can have on the health and readiness of the Armed Forces.

(4) Current, medically accurate information.

(5) Clear, user-friendly information on—

(A) the full range of methods of contraception approved by the Food and Drug Administration; and

(B) where members of the Armed Forces can access their chosen method of contraception.

(6) Information on all applicable laws and policies so that members of the Armed Forces are informed of their rights and obligations.

(7) Information on the rights of patients to confidentiality.

(8) Information on the unique circumstances encountered by members of the Armed Forces and the effects of such circumstances on the use of contraception.

SA 4788. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 621, strike lines 14 through 24 and insert the following:

cross-strait relations;

(7) reinforcing the status of the Republic of Singapore as a Major Security Cooperation Partner of the United States and continuing to strengthen defense and security cooperation between the military forces of the Republic of Singapore and the Armed Forces of the United States, including through participation in combined exercises and training, including the use of the Foreign Military Sales Training Center at Ebbing Air National Guard Base in Fort Smith, Arkansas; and

(8) ensuring that the allies and partners referred to in paragraphs (1) through (7) contribute more than 50 percent of the total cost of mutual defense efforts in the Indo-Pacific region.

SA 4789. Mr. LEE submitted an amendment intended to be proposed to

amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 578, strike lines 14 through 19 and insert the following:

(1) by striking ''fiscal year 2021'' and inserting ''fiscal year 2022''; and

(2) by striking '', as specified in the funding tables in division D of this Act''.

SA 4790. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1061.

SA 4791. Mr. MORAN (for himself and Ms. ROSEN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 744. GRANT PROGRAM FOR INCREASED COOPERATION ON POST-TRAUMATIC STRESS DISORDER RESEARCH BETWEEN UNITED STATES AND ISRAEL.

(a) FINDINGS AND SENSE OF CONGRESS.—

(1) FINDINGS.—Congress makes the following findings:

(A) The Department of Veterans Affairs reports that between 11 and 20 percent of veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom have post-traumatic stress disorder (in this paragraph referred to as ''PTSD'') in a given year. In addition, that figure amounts to about 12 percent of Gulf War veterans and up to 30 percent of Vietnam veterans.

(B) The Department of Veterans Affairs reports that among women veterans of the conflicts in Iraq and Afghanistan, almost 20 percent have been diagnosed with PTSD.

(C) It is thought that 70 percent of individuals in the United States have experienced at least one traumatic event in their lifetime, and approximately 20 percent of those individuals have struggled or continue to struggle with symptoms of PTSD.

(D) Studies show that PTSD has links to homelessness and substance abuse in the United States. The Department of Veterans Affairs estimates that approximately 11 percent of the homeless population are veterans and the Substance Abuse and Mental Health Services Administration estimates that about seven percent of veterans have a substance abuse disorder.

(E) Our ally Israel, under constant attack from terrorist groups, experiences similar issues with Israeli veterans facing symptoms of PTSD. The National Center for Traumatic Stress and Resilience at Tel Aviv University found that five to eight percent of combat soldiers experience some form of PTSD, and during wartime, that figure rises to 15 to 20 percent.

(F) Current treatment options in the United States focus on cognitive therapy, exposure therapy, or eye movement desensitization and reprocessing, but the United States must continue to look for more effective treatments. Several leading hospitals, academic institutions, and nonprofit organizations in Israel dedicate research and services to treating PTSD.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense, acting through the Psychological Health and Traumatic Brain Injury Research Program, should seek to explore scientific collaboration between academic institutions and nonprofit research entities in the United States and institutions in Israel with expertise in researching, diagnosing, and treating post-traumatic stress disorder.

(b) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of Veterans Affairs and the Secretary of State, shall award grants to eligible entities to carry out collaborative research between the United States and Israel with respect to post-traumatic stress disorders.

(2) AGREEMENT.—The Secretary of Defense shall carry out the grant program under this section in accordance with the Agreement on the United States-Israel binational science foundation with exchange of letters, signed at New York September 27, 1972, and entered into force on September 27, 1972.

(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be an academic institution or a nonprofit entity located in the United States.

(d) AWARD.—The Secretary shall award grants under this section to eligible entities that—

(1) carry out a research project that—

(A) addresses a requirement in the area of post-traumatic stress disorders that the Secretary determines appropriate to research using such grant; and

(B) is conducted by the eligible entity and an entity in Israel under a joint research agreement; and

(2) meet such other criteria that the Secretary may establish.

(e) APPLICATION.—To be eligible to receive a grant under this section, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such commitments and information as the Secretary may require.

(f) REPORTS.—Not later than 180 days after the date on which an eligible entity completes a research project using a grant under this section, the Secretary shall submit to Congress a report that contains—

(1) a description of how the eligible entity used the grant; and

(2) an evaluation of the level of success of the research project.

(g) TERMINATION.—The authority to award grants under this section shall terminate on the date that is seven years after the date on which the first such grant is awarded.

SA 4792. Mrs. MURRAY (for herself and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

Subtitle F—Toxic Exposure Safety

SEC. 3161. SHORT TITLE.

This subtitle may be cited as the ''Toxic Exposure Safety Act of 2021''.

SEC. 3162. PROVIDING INFORMATION REGARDING DEPARTMENT OF ENERGY FACILITIES.

Subtitle E of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s et seq.) is amended by inserting after section 3681 the following:

''SEC. 3681A. COMPLETION AND UPDATES OF SITE EXPOSURE MATRICES.

''(a) DEFINITION.—In this section, the term 'site exposure matrices' means an exposure assessment of a Department of Energy facility that identifies the toxic substances or processes that were used in each building or process of the facility, including the trade name (if any) of the substance.

''(b) IN GENERAL.—Not later than 180 days after the date of enactment of the Toxic Exposure Safety Act of 2021, the Secretary of Labor shall, in coordination with the Secretary of Energy, create or update site exposure matrices for each Department of Energy facility based on the records, files, and other data provided by the Secretary of Energy and such other information as is available, including information available from the former worker medical screening programs of the Department of Energy.

''(c) PERIODIC UPDATE.—Beginning 90 days after the initial creation or update described in subsection (b), and each 90 days thereafter, the Secretary shall update the site exposure matrices with all information available as of such time from the Secretary of Energy.

''(d) INFORMATION.—The Secretary of Energy shall furnish to the Secretary of Labor any information that the Secretary of Labor finds necessary or useful for the production of the site exposure matrices under this section, including records from the Department of Energy former worker medical screening program.

''(e) PUBLIC AVAILABILITY.—The Secretary of Labor shall make available to the public, on the primary website of the Department of Labor—

''(1) the site exposure matrices, as periodically updated under subsections (b) and (c);

''(2) each site profile prepared under section 3633(a);

''(3) any other database used by the Secretary of Labor to evaluate claims for compensation under this title; and

''(4) statistical data, in the aggregate and disaggregated by each Department of Energy facility, regarding—

''(A) the number of claims filed under this subtitle;

''(B) the types of illnesses claimed;

''(C) the number of claims filed for each type of illness and, for each claim, whether the claim was approved or denied;

''(D) the number of claimants receiving compensation; and

''(E) the length of time required to process each claim, as measured from the date on which the claim is filed to the final disposition of the claim.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Energy, for fiscal year 2022 and each succeeding year, such sums as may be

necessary to support the Secretary of Labor in creating or updating the site exposure matrices.''.

SEC. 3163. ASSISTING CURRENT AND FORMER EMPLOYEES UNDER THE EEOICPA.

(a) PROVIDING INFORMATION AND OUTREACH.—Subtitle A of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384d et seq.) is amended—

(1) by redesignating section 3614 as section 3616; and

(2) by inserting after section 3613 the following:

''SEC. 3614. INFORMATION AND OUTREACH.

''(a) ESTABLISHMENT OF TOLL-FREE INFORMATION PHONE NUMBER.—By not later than January 1, 2023, the Secretary of Labor shall establish a toll-free phone number that current or former employees of the Department of Energy, or current or former Department of Energy contractor employees, may use in order to receive information regarding—

''(1) the compensation program under subtitle B or E;

''(2) information regarding the process of submitting a claim under either compensation program;

''(3) assistance in completing the occupational health questionnaire required as part of a claim under subtitle B or E;

''(4) the next steps to take if a claim under subtitle B or E is accepted or denied; and

''(5) such other information as the Secretary determines necessary to further the purposes of this title.

''(b) ESTABLISHMENT OF RESOURCE AND ADVOCACY CENTERS.—

''(1) IN GENERAL.—By not later than January 1, 2024, the Secretary of Energy, in coordination with the Secretary of Labor, shall establish a resource and advocacy center at each Department of Energy facility where cleanup operations are being carried out, or have been carried out, under the environmental management program of the Department of Energy. Each such resource and advocacy center shall assist current or former Department of Energy employees and current or former Department of Energy contractor employees, by enabling the employees and contractor employees to—

''(A) receive information regarding all related programs available to them relating to potential claims under this title, including—

''(i) programs under subtitles B and E; and

''(ii) the former worker medical screening program of the Department of Energy; and

''(B) navigate all such related programs.

''(2) COORDINATION.—The Secretary of Energy shall integrate other programs available to current and former employees, and current or former Department of Energy contractor employees, which are related to the purposes of this title, with the resource and advocacy centers established under paragraph (1), as appropriate.

''(c) INFORMATION.—The Secretary of Labor shall develop and distribute, through the resource and advocacy centers established under subsection (b) and other means, information (which may include responses to frequently asked questions) for current or former employees or current or former Department of Energy contractor employees about the programs under subtitles B and E and the claims process under such programs.

''(d) COPY OF EMPLOYEE'S CLAIMS RECORDS.—

''(1) IN GENERAL.—The Secretary of Labor shall, upon the request of a current or former employee or Department of Energy contractor employee, provide the employee with a complete copy of all records or other materials held by the Department of Labor relating to the employee's claim under subtitle B or E.

''(2) CHOICE OF FORMAT.—The Secretary of Labor shall provide the copy of records described in paragraph (1) to an employee in electronic or paper form, as selected by the employee.

''(e) CONTACT OF EMPLOYEES BY INDUSTRIAL HYGIENISTS.—The Secretary of Labor shall allow industrial hygienists to contact and interview current or former employees or Department of Energy contractor employees regarding the employee's claim under subtitle B or E.''.

(b) EXTENDING APPEAL PERIOD.—Section 3677(a) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–6(a)) is amended by striking ''60 days'' and inserting ''180 days''.

(c) FUNDING.—Section 3684 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–13) is amended—

(1) by striking ''There is authorized'' and inserting the following:

''(a) IN GENERAL.—There is authorized'';

(2) by inserting before the period at the end the following: '', including the amounts necessary to carry out the requirements of section 3681A''; and

(3) by adding at the end the following:

''(b) ADMINISTRATIVE COSTS FOR DEPARTMENT OF ENERGY.—There is authorized to be appropriated to the Secretary of Energy for fiscal year 2022 and each succeeding year such sums as may be necessary to support the Secretary in carrying out the requirements of this title, including section 3681A.''.

(d) ADVISORY BOARD ON TOXIC SUBSTANCES AND WORKER HEALTH.—Section 3687 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–16) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(F), by striking ''and'' after the semicolon;

(B) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(3) develop recommendations for the Secretary of Health and Human Services regarding whether there is a class of Department of Energy employees, Department of Energy contractor employees, or other employees at any Department of Energy facility who were at least as likely as not exposed to toxic substances at that facility but for whom it is not feasible to estimate with sufficient accuracy the dose they received; and

''(4) review all existing, as of the date of the review, rules and guidelines issued by the Secretary regarding presumption of causation and provide the Secretary with recommendations for new rules and guidelines regarding presumption of causation.'';

(2) in subsection (c)(3), by inserting ''or the Board'' after ''The Secretary'';

(3) by redesignating subsections (h), (i), and (j) as subsections (i), (j), and (k), respectively; and

(4) by inserting after subsection (g) the following:

''(h) REQUIRED RESPONSES TO BOARD RECOMMENDATIONS.—Not later than 90 days after the date on which the Secretary of Labor and the Secretary of Health and Human Services receive recommendations in accordance with paragraph (1), (3), or (4) of subsection (b), each such Secretary shall submit formal responses to each recommendation to the Board and Congress.''.

SEC. 3164. RESEARCH PROGRAM ON EPIDEMIOLOGICAL IMPACTS OF TOXIC EXPOSURES.

(a) DEFINITIONS.—In this section—

(1) the term ''Department of Energy facility'' has the meaning given the term in section 3621 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l);

(2) the term ''institution of higher education'' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); and

(3) the term ''Secretary'' means the Secretary of Health and Human Services.

(b) ESTABLISHMENT.—The Secretary, acting through the Director of the National Institute of Environmental Health Sciences and in collaboration with the Director of the Centers for Disease Control and Prevention, shall conduct or support research on the epidemiological impacts of exposures to toxic substances at Department of Energy facilities.

(c) USE OF FUNDS.—Research under subsection (b) may include research on the epidemiological, clinical, or health impacts on individuals who were exposed to toxic substances in or near the tank or other storage farms and other relevant Department of Energy facilities through their work at such sites.

(d) ELIGIBILITY AND APPLICATION.—Any institution of higher education or the National Academy of Sciences may apply for funding under this section by submitting to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

(e) RESEARCH COORDINATION.—The Secretary shall coordinate activities under this section with similar activities conducted by the Department of Health and Human Services to the extent that other agencies have responsibilities that are related to the study of epidemiological, clinical, or health impacts of exposures to toxic substances.

(f) HEALTH STUDIES REPORT TO SECRETARY.—Not later than 1 year after the end of the funding period for research under this section, the funding recipient shall prepare and submit to the Secretary a final report that—

(1) summarizes the findings of the research;

(2) includes recommendations for any additional studies;

(3) describes any classes of employees that, based on the results of the report, could warrant the establishment of a Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.) for toxic substances exposures; and

(4) describes any illnesses to be included as covered illnesses under such Act (42 U.S.C. 7384 et seq.).

(g) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 120 days after the date on which the reports under subsection (f) are due, the Secretary shall—

(A) identify a list of cancers and other illnesses associated with toxic substances that pose, or posed, a hazard in the work environment at any Department of Energy facility; and

(B) prepare and submit to the relevant committees of Congress a report—

(i) summarizing the findings from the reports required under subsection (f);

(ii) identifying any new illnesses that, as a result of the study, will be included as covered illnesses, pursuant to subsection (f)(4) and section 3671(2) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s(2)); and

(iii) including the Secretary's recommendations for additional health studies relating to toxic substances, if the Secretary determines it necessary.

(2) RELEVANT COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''relevant committees of Congress'' means—

(A) the Committee on Armed Services, Committee on Appropriations, Committee on

Energy and Natural Resources, and Committee on Health, Education, Labor, and Pensions of the Senate; and

(B) the Committee on Armed Services, Committee on Appropriations, Committee on Energy and Commerce, and Committee on Education and Labor of the House of Representatives.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2022 through 2026.

SEC. 3165. NATIONAL ACADEMY OF SCIENCES REVIEW.

Subtitle A of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384d et seq.), as amended by section 3163, is further amended by inserting after section 3614 the following:

''SEC. 3615. NATIONAL ACADEMY OF SCIENCES REVIEW.

''(a) PURPOSE.—The purpose of this section is to enable the National Academy of Sciences, a non-Federal entity with appropriate expertise, to review and evaluate the available scientific evidence regarding associations between diseases and exposure to toxic substances found at Department of Energy cleanup sites.

''(b) DEFINITIONS.—In this section:

''(1) DEPARTMENT OF ENERGY CLEANUP SITE.—The term 'Department of Energy cleanup site' means a Department of Energy facility where cleanup operations are being carried out, or have been carried out, under the environmental management program of the Department of Energy.

''(2) HEALTH STUDIES REPORT.—The term 'health studies report' means the report submitted under section 3164(f) of the Toxic Exposure Safety Act of 2021.

''(c) AGREEMENT.—The Secretary of Health and Human Services shall seek to enter into an agreement with the National Academy of Sciences, not later than 60 days after the issuance of the health studies report, to carry out the requirements of this section.

''(d) REVIEW OF SCIENTIFIC AND MEDICAL EVIDENCE.—

''(1) IN GENERAL.—Under the agreement described in subsection (c), the National Academy of Sciences shall, for the period of the agreement—

''(A) for each area recommended for additional study under the health studies report under section 3164(f)(2) of the Toxic Exposure Safety Act of 2021, review and summarize the scientific evidence relating to the area, including—

''(i) studies by the Department of Energy and Department of Labor; and

''(ii) any other available and relevant scientific studies, to the extent that such studies are relevant to the occupational exposures that have occurred at Department of Energy cleanup sites; and

''(B) review and summarize the scientific and medical evidence concerning the association between exposure to toxic substances found at Department of Energy cleanup sites and resultant diseases.

''(2) SCIENTIFIC DETERMINATIONS CONCERNING DISEASES.—In conducting each review of scientific evidence under subparagraphs (A) and (B) of paragraph (1), the National Academy of Sciences shall—

''(A) assess the strength of such evidence;

''(B) assess whether a statistical association between exposure to a toxic substance and a disease exists, taking into account the strength of the scientific evidence and the appropriateness of the statistical and epidemiological methods used to detect an association;

''(C) assess the increased risk of disease among those exposed to the toxic substance during service during the production and cleanup eras of the Department of Energy cleanup sites;

''(D) survey the impact to health of the toxic substance, focusing on hematologic, renal, urologic, hepatic, gastrointestinal, neurologic, dermatologic, respiratory, endocrine, ocular, ear, nasal, and oropharyngeal diseases, including dementia, leukemia, chemical sensitivities, and chronic obstructive pulmonary disease; and

''(E) determine whether a plausible biological mechanism or other evidence of a causal relationship exists between exposure to the toxic substance and disease.

''(e) ADDITIONAL SCIENTIFIC STUDIES.—If the National Academy of Sciences determines, in the course of conducting the studies under subsection (d), that additional studies are needed to resolve areas of continuing scientific uncertainty relating to toxic exposure at Department of Energy cleanup sites, the National Academy of Sciences shall include, in the next report submitted under subsection (f), recommendations for areas of additional study, consisting of—

''(1) a list of diseases and toxins that require further evaluation and study;

''(2) a review the current information available, as of the date of the report, relating to such diseases and toxins;

''(3) the value of the information that would result from the additional studies; and

''(4) the cost and feasibility of carrying out additional studies.

''(f) REPORTS.—

''(1) IN GENERAL.—By not later than 18 months after the date of the agreement under subsection (c), and every 2 years thereafter, the National Academy of Sciences shall under such agreement prepare and submit a report to—

''(A) the Secretary;

''(B) the Committee on Health, Education, Labor, and Pensions and the Committee on Energy and Natural Resources of the Senate; and

''(C) the Committee on Natural Resources, the Committee on Education and Labor, and the Committee on Energy and Commerce of the House of Representatives.

''(2) CONTENTS.—Each report submitted under paragraph (1) shall include, for the 18-month or 2-year period covered by the report—

''(A) a description of—

''(i) the reviews and studies conducted under this section;

''(ii) the determinations and conclusions of the National Academy of Sciences with respect to such reviews and studies; and

''(iii) the scientific evidence and reasoning that led to such conclusions;

''(B) the recommendations for further areas of study made under subsection (e) for the reporting period;

''(C) a description of any classes of employees that, based on the results of the reviews and studies, could qualify as a Special Exposure Cohort; and

''(D) the identification of any illness that the National Academy of Sciences has determined, as a result of the reviews and studies, should be a covered illness.

''(g) LIMITATION ON AUTHORITY.—The authority to enter into agreements under this section shall be effective for a fiscal year to the extent that appropriations are available.

''(h) SUNSET.—This section shall cease to be effective 10 years after the last day of the fiscal year in which the National Academy of Sciences transmits to the Secretary the first report under subsection (f).''.

SEC. 3166. CONFORMING AMENDMENTS.

The Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.) is amended—

(1) in the table of contents—

(A) by redesignating the item relating to section 3614 as the item relating to section 3616;

(B) by inserting after the item relating to section 3613 the following:

''Sec. 3614. Information and outreach.
''Sec. 3615. National Academy of Sciences review.'';

and

(C) by inserting after the item relating to section 3681 the following:

''Sec. 3681A. Completion and updates of site exposure matrices.'';

and

(2) in each of subsections (b)(1) and (c) of section 3612, by striking ''3614(b)'' and inserting ''3616(b)''.

SA 4793. Mr. LEE (for himself and Mr. DAINES) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 511, beginning in subsection (d)(4), strike the period at the end of subparagraph (B)(ii) and all that follows through subsection (g) and insert the following: ''; and

(C) by adding at the end the following new subsection:

''(p) No person may be inducted for training and service under this title if such person—

''(1) has a dependent child and the other parent of the dependent child has been inducted for training or service under this title unless the person volunteers for such induction; or

''(2) has a dependent child who has no other living parent.''.

(5) Section 10(b)(3) (50 U.S.C. 3809(b)(3)) is amended by striking ''the President is requested'' and all that follows through ''race or national origin'' and inserting ''the President is requested to appoint the membership of each local board so that each board has both male and female members and, to the maximum extent practicable, it is proportionately representative of those registrants within its jurisdiction in each applicable basis set forth in section 703(a) of the Civil Rights Act of 1964 (42 U.S.C. 2002e–2(a)), but no action by any board shall be declared invalid on the ground that such board failed to conform to such representation quota''.

(6) Section 16(a) (50 U.S.C. 3814(a)) is amended by striking ''men'' and inserting ''persons''.

(e) MAINTAINING THE HEALTH OF THE SELECTIVE SERVICE SYSTEM.—Section 10(a) (50 U.S.C. 3809(a)) is amended by adding at the end the following new paragraph:

''(5) The Selective Service System shall conduct exercises periodically of all mobilization plans, systems, and processes to evaluate and test the effectiveness of such plans, systems, and processes. Once every 4 years, the exercise shall include the full range of internal and interagency procedures to ensure functionality and interoperability and may take place as part of the Department of Defense mobilization exercise under section 10208 of title 10, United States Code. The Selective Service System shall conduct a public awareness campaign in conjunction

with each exercise to communicate the purpose of the exercise to the public.''.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—The Military Selective Service Act is amended—

(1) in section 4 (50 U.S.C. 3803)—

(A) in subsection (a) in the third undesignated paragraph—

(i) by striking ''his acceptability in all respects, including his'' and inserting ''such person's acceptability in all respects, including such person's''; and

(ii) by striking ''he may prescribe'' and inserting ''the President may prescribe'';

(B) in subsection (c)—

(i) in paragraph (2), by striking ''any enlisted member'' and inserting ''any person who is an enlisted member''; and

(ii) in paragraphs (3), (4), and (5), by striking ''in which he resides'' and inserting ''in which such person resides'';

(C) in subsection (g), by striking ''coordinate with him'' and inserting ''coordinate with the Director''; and

(D) in subsection (k)(1), by striking ''finding by him'' and inserting ''finding by the President'';

(2) in section 5(d) (50 U.S.C. 3805(d)), by striking ''he may prescribe'' and inserting ''the President may prescribe'';

(3) in section 6 (50 U.S.C. 3806)—

(A) in subsection (c)(2)(D), by striking ''he may prescribe'' and inserting ''the President may prescribe'';

(B) in subsection (d)(3), by striking ''he may deem appropriate'' and inserting ''the President considers appropriate''; and

(C) in subsection (h), by striking ''he may prescribe'' each place it appears and inserting ''the President may prescribe'';

(4) in section 10 (50 U.S.C. 3809)—

(A) in subsection (b)—

(i) in paragraph (3)—

(I) by striking ''He shall create'' and inserting ''The President shall create''; and

(II) by striking ''upon his own motion'' and inserting ''upon the President's own motion'';

(ii) in paragraph (4), by striking ''his status'' and inserting ''such individual's status''; and

(iii) in paragraphs (4), (6), (8), and (9), by striking ''he may deem'' each place it appears and inserting ''the President considers''; and

(B) in subsection (c), by striking ''vested in him'' and inserting ''vested in the President'';

(5) in section 13(b) (50 U.S.C. 3812(b)), by striking ''regulation if he'' and inserting ''regulation if the President'';

(6) in section 15 (50 U.S.C. 3813)—

(A) in subsection (b), by striking ''his'' each place it appears and inserting ''the registrant's''; and

(B) in subsection (d), by striking ''he may deem'' and inserting ''the President considers'';

(7) in section 16(g) (50 U.S.C. 3814(g))—

(A) in paragraph (1), by striking ''who as his regular and customary vocation'' and inserting ''who, as such person's regular and customary vocation,''; and

(B) in paragraph (2)—

(i) by striking ''one who as his customary vocation'' and inserting ''a person who, as such person's customary vocation,''; and

(ii) by striking ''he is a member'' and inserting ''such person is a member'';

(8) in section 18(a) (50 U.S.C. 3816(a)), by striking ''he is authorized'' and inserting ''the President is authorized'';

(9) in section 21 (50 U.S.C. 3819)—

(A) by striking ''he is sooner'' and inserting ''sooner'';

(B) by striking ''he'' each subsequent place it appears and inserting ''such member''; and

(C) by striking ''his consent'' and inserting ''such member's consent'';

(10) in section 22(b) (50 U.S.C. 3820(b)), in paragraphs (1) and (2), by striking ''his'' each place it appears and inserting ''the registrant's''; and

(11) except as otherwise provided in this section—

(A) by striking ''he'' each place it appears and inserting ''such person'';

(B) by striking ''his'' each place it appears and inserting ''such person's'';

(C) by striking ''him'' each place it appears and inserting ''such person''; and

(D) by striking ''present himself'' each place it appears in section 12 (50 U.S.C. 3811) and inserting ''appear''.

(g) ENACTMENT OF AUTHORIZATION REQUIRED FOR DRAFT.—

(1) FINDINGS.—Congress makes the following findings:

(A) Clause 12 of section 8 of article I of the Constitution of the United States empowers Congress with the responsibility to ''raise and support Armies''.

(B) The United States first required military conscription in the American Civil War under the Civil War Military Draft Act of 1863.

(C) The Selective Services Act of 1917 authorized the President to draft additional forces beyond the volunteer force to support exceedingly high demand for additional forces when the U.S. entered the first World War.

(D) The Selective Training and Service Act of 1940 was the first authorization by Congress for conscription in peacetime but limited the President's induction authority to ''no greater number of men than the Congress shall hereafter make specific appropriation for from time to time''.

(E) Congress allowed induction authority to lapse in 1947.

(F) Congress reinstated the President's induction authority under the Selective Service Act of 1948 to raise troops for United States participation in the Korean War.

(G) Congress maintained the President's induction authority under the Selective Service Act of 1948 through the beginning of the Vietnam War.

(H) Congress passed additional reforms to the draft under the Military Selective Service Act of 1967 in response to issues arising from United States engagement in the Vietnam War.

(I) Congress prohibited any further use of the draft after July 1, 1973.

(J) If a president seeks to reactivate the use of the draft, Congress would have to enact a law providing authorization for this purpose

(2) AMENDMENT.—Section 17 of the Military Selective Service Act (50 U.S.C. 3815) is amended by adding at the end the following new subsection:

''(d) No person shall be inducted for training and service in the Armed Forces unless Congress first passes and there is enacted a law expressly authorizing such induction into service.''.

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, except that the amendments made by subsections (d) and (g) shall take effect 1 year after such date of enactment.

SA 4794. Mr. RISCH (for himself, Mr. PORTMAN, Mr. CRUZ, Mr. BARRASSO, Mr. JOHNSON, Mr. COTTON, and Mr. DAINES) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1237. IMPOSITION OF SANCTIONS WITH RESPECT TO NORD STREAM 2.

(a) IN GENERAL.—Not later than 15 days after the date of the enactment of this Act, the President shall—

(1) impose sanctions under subsection (b) with respect to any corporate officer of an entity established for or responsible for the planning, construction, or operation of the Nord Stream 2 pipeline or a successor entity; and

(2) impose sanctions under subsection (c) with respect to any entity described in paragraph (1).

(b) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE OF IDENTIFIED PERSONS AND CORPORATE OFFICERS.—

(1) IN GENERAL.—

(A) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (a)(1) is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—The visa or other entry documentation of an alien described in subsection (a)(1) shall be revoked, regardless of when such visa or other entry documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

(I) take effect immediately; and

(II) automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(c) BLOCKING OF PROPERTY OF IDENTIFIED PERSONS.—The President shall exercise all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of an entity described in subsection (a)(1) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(d) EXCEPTIONS.—

(1) EXCEPTION FOR INTELLIGENCE, LAW ENFORCEMENT, AND NATIONAL SECURITY ACTIVITIES.—Sanctions under this section shall not apply to any authorized intelligence, law enforcement, or national security activities of the United States.

(2) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under this section shall not apply with respect to the admission of an alien to the United States if the admission of the alien is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or other applicable international obligations.

(3) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—Notwithstanding any other provision of this section, the authorities and requirements to impose sanctions under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term ''good'' means any article, natural or man-made substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(e) CONDITIONS FOR REMOVAL OF SANCTIONS.—Subject to review by Congress under section 216 of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9511), the President may waive the application of sanctions under this section if the President—

(1) determines that the waiver is in the national security interest of the United States; and

(2) submits to the appropriate congressional committees a report on the waiver and the reason for the waiver.

(f) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(g) SUNSET.—The authority to impose sanctions under this section shall terminate on the date that is 5 years after the date of the enactment of this Act.

(h) DEFINITIONS.—In this section:

(1) ADMISSION; ADMITTED; ALIEN.—The terms ''admission'' , ''admitted'' , and ''alien'' have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives.

(3) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any person within the United States.

SEC. 1238. CONGRESSIONAL REVIEW OF WAIVER UNDER PROTECTING EUROPE'S ENERGY SECURITY ACT OF 2019.

Section 7503(f) of the Protecting Europe's Energy Security Act of 2019 (title LXXV of Public Law 116–92; 22 U.S.C. 9526 note) is amended, in the matter preceding paragraph (1), by striking ''The President'' and inserting ''Subject to review by Congress under section 216 of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9511), the President''.

SEC. 1239. APPLICATION OF CONGRESSIONAL REVIEW UNDER COUNTERING AMERICA'S ADVERSARIES THROUGH SANCTIONS ACT.

Section 216(a)(2) of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9511(a)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting ''(other than sanctions described in clause (i)(IV) of that subparagraph)'' after ''subparagraph (B)''; and

(B) in clause (ii), by inserting ''or otherwise remove'' after ''waive''; and

(2) in subparagraph (B)(i)—

(A) in subclause (II), by striking ''; or'' and inserting a semicolon;

(B) in subclause (III), by striking ''; and'' and inserting a semicolon; and

(C) by adding at the end the following:

''(IV) section 7503 of the Protecting Europe's Energy Security Act of 2019 (title LXXV of Public Law 116–92; 22 U.S.C. 9526 note); or

''(V) section 1237 of the National Defense Authorization Act for Fiscal Year 2022; and''.

SEC. 1240. INCLUSION OF MATTER RELATING TO NORD STREAM 2 IN REPORT UNDER COUNTERING AMERICA'S ADVERSARIES THROUGH SANCTIONS ACT.

Each report submitted under section 216(a)(1) of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9511(a)(1)) relating to sanctions under section 1237 of this Act or section 7503 of the Protecting Europe's Energy Security Act of 2019 (title LXXV of Public Law 116–92; 22 U.S.C. 9526 note) shall include—

(1) an assessment of the security risks posed by Nord Stream 2, including—

(A) the presence along Nord Stream 2 or Nord Stream 1 infrastructure or pipeline corridors of undersea surveillance systems and sensors, fiber optic terminals, or other systems that are capable of conducting military or intelligence activities unrelated to civilian energy transmission, including those designed to enhance Russian Federation antisubmarine warfare, surveillance, espionage, or sabotage capabilities;

(B) the use of Nord Stream-affiliated infrastructure, equipment, personnel, vessels, financing, or other assets—

(i) to facilitate, carry out, or conceal Russian Federation maritime surveillance, espionage, or sabotage activities;

(ii) to justify the presence of Russian Federation naval vessels or military personnel or equipment in international waters or near North Atlantic Treaty Organization or partner countries;

(iii) to disrupt freedom of navigation; or

(iv) to pressure or intimidate countries in the Baltic Sea;

(C) the involvement in the Nord Stream 2 pipeline or its affiliated entities of current or former Russian, Soviet, or Warsaw Pact intelligence and military personnel and any business dealings between Nord Stream 2 and entities affiliated with the intelligence or defense sector of the Russian Federation; and

(D) malign influence activities of the Government of the Russian Federation, including strategic corruption and efforts to influence European decision-makers, supported or financed through the Nord Stream 2 pipeline;

(2) an assessment of whether the Russian Federation maintains gas transit through Ukraine at levels consistent with the volumes set forth in the Ukraine-Russian Federation gas transit agreement of December 2019 and continues to pay the transit fees specified in that agreement;

(3) an assessment of the status of negotiations between the Russian Federation and Ukraine to secure an agreement to extend gas transit through Ukraine beyond the expiration of the agreement described in paragraph (2); and

(4) an assessment of whether the United States and Germany have agreed on a common definition for energy ''weaponization'' and the associated triggers for sanctions and other enforcement actions, pursuant to the Joint Statement of the United States and Germany on support for Ukraine, European energy security, and our climate goals, dated July 21, 2021; and

(5) a description of the consultations with United States allies and partners in Europe, including Ukraine, Poland, and the countries in Central and Eastern Europe most impacted by the Nord Stream 2 pipeline concerning the matters agreed to as described in paragraph (4).

SA 4795. Mr. SHELBY (for himself, Mr. INHOFE, Mr. WICKER, Mr. BLUNT, Mrs. CAPITO, Mrs. HYDE-SMITH, Mr. COTTON, Mr. BOOZMAN, Ms. COLLINS, Mr. KENNEDY, Ms. MURKOWSKI, Mr. CRAMER, Mr. TILLIS, and Mr. HOEVEN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—AUTHORIZATION OF AMOUNTS FOR DEPARTMENT OF DEFENSE INFRASTRUCTURE

SEC. ____1. ESTABLISHMENT OF DEFENSE INFRASTRUCTURE FUND.

There is established in the general fund of the Treasury an account to be known as the ''Defense Infrastructure Fund'' for the deposit of amounts to be used for improvement of the infrastructure of the Department of Defense.

SEC. ____2. AUTHORIZATION OF AMOUNTS FOR REDUCTION OF BACKLOG FOR FACILITY INFRASTRUCTURE PROJECTS.

(a) IN GENERAL.—There is authorized to be appropriated to the Department of Defense $4,000,000,000 for the Defense Infrastructure Fund, of which $1,300,000,000 shall be available for each of the Departments of the Army, the Navy, and the Air Force, and $100,000,000 shall be for the Defense Health Agency, to reduce the backlog of facility infrastructure maintenance projects of the Department of Defense.

(b) COMPLIANCE WITH REPAIR REQUIREMENTS.—Any project carried out with amounts authorized under subsection (a) shall comply with the requirements under section 2811 of title 10, United States Code.

(c) AVAILABILITY OF AMOUNTS.—Amounts authorized under subsection (a) shall be available for obligation until September 30, 2026.

SEC. ____3. AUTHORIZATION OF AMOUNTS FOR MODERNIZATION OF TEST AND TRAINING RANGES OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—There is authorized to be appropriated to the Department of Defense $2,800,000,000 for the Defense Infrastructure Fund to modernize the test and training ranges of the Department of Defense, including projects included in the report required under section 2806 of the Military Construction Authorization Act for Fiscal Year 2018

(Division B of Public Law 115–91; 10 U.S.C. 222a note) for test and evaluation activities.

(b) AVAILABILITY OF AMOUNTS.—Amounts authorized under subsection (a) shall be available for obligation until September 30, 2032.

SEC. _____4. AUTHORIZATION OF AMOUNTS FOR REMEDIATION OF PERFLUORALKYL SUBSTANCES AND POLYFLUOROALKYL SUBSTANCES.

(a) IN GENERAL.—There is authorized to be appropriated to the Department of Defense $700,000,000 for the Defense Infrastructure Fund to remediate perfluoralkyl substances and polyfluoroalkyl substances at installations owned by the Department of Defense.

(b) AVAILABILITY OF AMOUNTS.—Amounts authorized under subsection (a) shall be available for obligation until September 30, 2026.

SEC. _____5. AUTHORIZATION OF AMOUNTS FOR DEPOT MODERNIZATION.

(a) IN GENERAL.—There is authorized to be appropriated to the Department of Defense $4,325,000,000 for the Defense Infrastructure Fund for depot modernization.

(b) AVAILABILITY OF AMOUNTS.—Amounts authorized under subsection (a) shall be available for obligation until September 30, 2032.

SEC. _____6. AUTHORIZATION OF AMOUNTS FOR AMMUNITION PLANT MODERNIZATION.

(a) IN GENERAL.—There is authorized to be appropriated to the Department of Defense $2,350,000,000 for the Defense Infrastructure Fund to modernize ammunition plants.

(b) AVAILABILITY OF AMOUNTS.—Amounts authorized under subsection (a) shall be available for obligation until September 30, 2026.

SEC. _____7. AUTHORIZATION OF AMOUNTS FOR FIFTH-GENERATION WIRELESS NETWORKING TECHNOLOGIES.

(a) IN GENERAL.—There is authorized to be appropriated to the Department of Defense $2,500,000,000 for the Defense Infrastructure Fund to provide fifth-generation wireless networking technologies to installations owned by the Department of Defense.

(b) AVAILABILITY OF AMOUNTS.—Amounts authorized under subsection (a) shall be available for obligation until September 30, 2026.

SEC. _____8. AUTHORIZATION OF AMOUNTS FOR NAVY SHIPYARD AND INFRASTRUCTURE IMPROVEMENT.

(a) AUTHORIZATION.—

(1) IN GENERAL.—There is authorized to be appropriated to the Department of Defense $10,325,000,000 for the Defense Infrastructure Fund to improve, in accordance with subsection (b), the Navy shipyard infrastructure of the United States.

(2) AVAILABILITY OF AMOUNTS.—Amounts authorized under paragraph (1) shall be available until expended.

(3) SUPPLEMENT NOT SUPPLANT.—Amounts authorized under paragraph (1) shall supplement and not supplant other amounts appropriated or otherwise made available for the purpose described in paragraph (1).

(b) USE OF FUNDS.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary of Defense shall make amounts appropriated pursuant to the authorization under subsection (a)(1) directly available to the Secretary of the Navy for obligation and expenditure for Navy public shipyard facilities, dock, dry dock, capital equipment improvements, and dredging efforts needed by such shipyards.

(2) PROJECTS IN ADDITION TO OTHER CONSTRUCTION PROJECTS.—Construction projects undertaken using amounts appropriated pursuant to the authorization under subsection (a)(1) shall be in addition to and separate from any military construction program authorized by any Act to authorize appropriations for a fiscal year for military activities of the Department of Defense and for military construction.

(c) NAVY PUBLIC SHIPYARD DEFINED.—In this section, the term ''Navy public shipyard'' means the following:

(1) The Norfolk Naval Shipyard, Virginia.

(2) The Pearl Harbor Naval Shipyard, Hawaii.

(3) The Portsmouth Naval Shipyard, Maine.

(4) The Puget Sound Naval Shipyard, Washington.

SA 4796. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 744. PROHIBITION ON DISHONORABLE DISCHARGE OF MEMBERS OF THE ARMED FORCES FOR REFUSING TO COMPLY WITH COVID–19 VACCINE MANDATE.

The Secretary of Defense may not give a dishonorable discharge to a member of the Armed Forces solely on the basis of the refusal of the member, for religious, medical, or personal reasons, to comply with any requirement that the member receive a vaccination for coronavirus disease 2019 (commonly known as ''COVID–19'').

SA 4797. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

SEC. 2836. PAYMENT TO ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH FORMER ROCKY MOUNTAIN ARSENAL, COLORADO.

(a) AUTHORITY FOR PAYMENT.—

(1) TRANSFER AMOUNT.—

(A) IN GENERAL.—Notwithstanding section 2215 of title 10, United States Code, chapter 160 of such title, section 1367 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661; 100 Stat. 4003), or any other provision of law, using funds described in subsection (b), the Secretary of Defense may transfer to the Administrator of the Environmental Protection Agency for use at the former Rocky Mountain Arsenal, Colorado—

(i) in fiscal year 2022, $4,805,000 for costs associated with the involvement of the Environmental Protection Agency with the cleanup by the Department of the Army of the former Rocky Mountain Arsenal from fiscal years 2015 through 2020, after a specific accounting is provided in accordance with subparagraph (B); and

(ii) in each of fiscal years 2022, 2023, and 2024, to account for costs incurred by the Environmental Protection Agency for such cleanup in fiscal years 2021, 2022, and 2023, an amount not to exceed $600,000, after a specific accounting is provided in accordance with subparagraph (B).

(B) ACCOUNTING.—Prior to the payment of amounts under subparagraph (A), the Administrator of the Environmental Protection Agency shall furnish to the Secretary of Defense a specific accounting of costs for which payment is requested.

(C) AUTHORIZED COSTS.—Payment of amounts under subparagraph (A) may be made only for those costs incurred by the Environmental Protection Agency for fiscal years 2015 through 2023—

(i) for providing technical assistance in accordance with the document entitled ''Settlement Agreement Between the United States and Shell Oil Company Concerning the Rocky Mountain Arsenal'', effective February 17, 1989, as incorporated into the consent decree entered by the United States District Court for the District of Colorado in United States v. Shell Oil Co., Civil Action No. 83-C-2379, dated February 12, 1992 (referred to in this section as the ''Settlement Agreement''); and

(ii) that are not inconsistent with the National Oil and Hazardous Substances Pollution Contingency Plan described in part 300 of title 40, Code of Federal Regulations (or successor regulations).

(2) PURPOSE OF PAYMENT.—The amounts authorized to be transferred under paragraph (1)(A) are—

(A) for payment to the Environmental Protection Agency for all costs that may be owed by the Department of the Army to the Environmental Protection Agency pursuant to the Settlement Agreement; and

(B) for use at the former Rocky Mountain Arsenal to allow the Environmental Protection Agency to proceed with review of cleanup documents that the Agency had suspended.

(b) SOURCE OF FUNDS.—The transfer authorized under subsection (a)(1)(A) shall be made using funds authorized to be appropriated for fiscal years 2022, 2023, and 2024 for Operation and Maintenance, Army for Environmental Restoration.

(c) FINALITY OF PAYMENTS.—The transfer authorized under subsection (a)(1)(A) constitutes final and complete payment for all costs borne by the Environmental Protection Agency arising from the Settlement Agreement for fiscal years 2015 through 2023.

SA 4798. Mr. CASSIDY (for himself, Mr. WHITEHOUSE, and Ms. WARREN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. _____. POSTSECONDARY STUDENT DATA SYSTEM.

(a) SHORT TITLE.—This section may be cited as the ''College Transparency Act''.

(b) POSTSECONDARY STUDENT DATA SYSTEM.—Section 132 of the Higher Education Act of 1965 (20 U.S.C. 1015a) is amended—

(1) by redesignating subsection (l) as subsection (m); and

(2) by inserting after subsection (k) the following:

''(l) POSTSECONDARY STUDENT DATA SYSTEM.—

''(1) IN GENERAL.—

''(A) ESTABLISHMENT OF SYSTEM.—Not later than 4 years after the date of enactment of the College Transparency Act, the Commissioner of the National Center for Education Statistics (referred to in this subsection as the 'Commissioner') shall develop and maintain a secure, privacy-protected postsecondary student-level data system in order to—

''(i) accurately evaluate student enrollment patterns, progression, completion, and postcollegiate outcomes, and higher education costs and financial aid;

''(ii) assist with transparency, institutional improvement, and analysis of Federal aid programs;

''(iii) provide accurate, complete, and customizable information for students and families making decisions about postsecondary education; and

''(iv) reduce the reporting burden on institutions of higher education, in accordance with section 5(b) of the College Transparency Act.

''(B) AVOIDING DUPLICATED REPORTING.—Notwithstanding any other provision of this section, to the extent that another provision of this section requires the same reporting or collection of data that is required under this subsection, an institution of higher education, or the Secretary or Commissioner, may use the reporting or data required for the postsecondary student data system under this subsection to satisfy both requirements.

''(C) DEVELOPMENT PROCESS.—In developing the postsecondary student data system described in this subsection, the Commissioner shall—

''(i) focus on the needs of—

''(I) users of the data system; and

''(II) entities, including institutions of higher education, reporting to the data system;

''(ii) take into consideration, to the extent practicable—

''(I) the guidelines outlined in the U.S. Web Design Standards maintained by the General Services Administration and the Digital Services Playbook and TechFAR Handbook for Procuring Digital Services Using Agile Processes of the U.S. Digital Service; and

''(II) the relevant successor documents or recommendations of such guidelines;

''(iii) use modern, relevant privacy- and security-enhancing technology, and enhance and update the data system as necessary to carry out the purpose of this subsection;

''(iv) ensure data privacy and security is consistent with any Federal law relating to privacy or data security, including—

''(I) the requirements of subchapter II of chapter 35 of title 44, United States Code, specifying security categorization under the Federal Information Processing Standards or any relevant successor of such standards;

''(II) security requirements that are consistent with the Federal agency responsibilities in section 3554 of title 44, United States Code, or any relevant successor of such responsibilities; and

''(III) security requirements, guidelines, and controls consistent with cybersecurity standards and best practices developed by the National Institute of Standards and Technology, including frameworks, consistent with section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)), or any relevant successor of such frameworks;

''(v) follow Federal data minimization practices to ensure only the minimum amount of data is collected to meet the system's goals, in accordance with Federal data minimization standards and guidelines developed by the National Institute of Standards and Technology; and

''(vi) provide notice to students outlining the data included in the system and how the data are used.

''(2) DATA ELEMENTS.—

''(A) IN GENERAL.—Not later than 4 years after the date of enactment of the College Transparency Act, the Commissioner, in consultation with the Postsecondary Student Data System Advisory Committee established under subparagraph (B), shall determine—

''(i) the data elements to be included in the postsecondary student data system, in accordance with subparagraphs (C) and (D); and

''(ii) how to include the data elements required under subparagraph (C), and any additional data elements selected under subparagraph (D), in the postsecondary student data system.

''(B) POSTSECONDARY STUDENT DATA SYSTEM ADVISORY COMMITTEE.—

''(i) ESTABLISHMENT.—Not later than 2 years after the date of enactment of the College Transparency Act, the Commissioner shall establish a Postsecondary Student Data System Advisory Committee (referred to in this subsection as the 'Advisory Committee'), whose members shall include—

''(I) the Chief Privacy Officer of the Department or an official of the Department delegated the duties of overseeing data privacy at the Department;

''(II) the Chief Security Officer of the Department or an official of the Department delegated the duties of overseeing data security at the Department;

''(III) representatives of diverse institutions of higher education, which shall include equal representation between 2-year and 4-year institutions of higher education, and from public, nonprofit, and proprietary institutions of higher education, including minority-serving institutions;

''(IV) representatives from State higher education agencies, entities, bodies, or boards;

''(V) representatives of postsecondary students;

''(VI) representatives from relevant Federal agencies; and

''(VII) other stakeholders (including individuals with expertise in data privacy and security, consumer protection, and postsecondary education research).

''(ii) REQUIREMENTS.—The Commissioner shall ensure that the Advisory Committee—

''(I) adheres to all requirements under the Federal Advisory Committee Act (5 U.S.C. App.);

''(II) establishes operating and meeting procedures and guidelines necessary to execute its advisory duties; and

''(III) is provided with appropriate staffing and resources to execute its advisory duties.

''(C) REQUIRED DATA ELEMENTS.—The data elements in the postsecondary student data system shall include, at a minimum, the following:

''(i) Student-level data elements necessary to calculate the information within the surveys designated by the Commissioner as 'student-related surveys' in the Integrated Postsecondary Education Data System (IPEDS), as such surveys are in effect on the day before the date of enactment of the College Transparency Act, except that in the case that collection of such elements would conflict with subparagraph (F), such elements in conflict with subparagraph (F) shall be included in the aggregate instead of at the student level.

''(ii) Student-level data elements necessary to allow for reporting student enrollment, persistence, retention, transfer, and completion measures for all credential levels separately (including certificate, associate, baccalaureate, and advanced degree levels), within and across institutions of higher education (including across all categories of institution level, control, and predominant degree awarded). The data elements shall allow for reporting about all such data disaggregated by the following categories:

''(I) Enrollment status as a first-time student, recent transfer student, or other non-first-time student.

''(II) Attendance intensity, whether full-time or part-time.

''(III) Credential-seeking status, by credential level.

''(IV) Race or ethnicity, in a manner that captures all the racial groups specified in the most recent American Community Survey of the Bureau of the Census.

''(V) Age intervals.

''(VI) Gender.

''(VII) Program of study (as applicable).

''(VIII) Military or veteran benefit status (as determined based on receipt of veteran's education benefits, as defined in section 480(c)).

''(IX) Status as a distance education student, whether exclusively or partially enrolled in distance education.

''(X) Federal Pell Grant recipient status under section 401 and Federal loan recipient status under title IV, provided that the collection of such information complies with paragraph (1)(B).

''(D) OTHER DATA ELEMENTS.—

''(i) IN GENERAL.—The Commissioner may, after consultation with the Advisory Committee and provision of a public comment period, include additional data elements in the postsecondary student data system, such as those described in clause (ii), if those data elements—

''(I) are necessary to ensure that the postsecondary data system fulfills the purposes described in paragraph (1)(A); and

''(II) are consistent with data minimization principles, including the collection of only those additional elements that are necessary to ensure such purposes.

''(ii) DATA ELEMENTS.—The data elements described in clause (i) may include—

''(I) status as a first generation college student, as defined in section 402A(h);

''(II) economic status;

''(III) participation in postsecondary remedial coursework or gateway course completion; or

''(IV) other data elements that are necessary in accordance with clause (i).

''(E) REEVALUATION.—Not less than once every 3 years after the implementation of the postsecondary student data system described in this subsection, the Commissioner, in consultation with the Advisory Committee described in subparagraph (B), shall review the data elements included in the postsecondary student data system and may revise the data elements to be included in such system.

''(F) PROHIBITIONS.—The Commissioner shall not include individual health data (including data relating to physical health or mental health), student discipline records or data, elementary and secondary education data, an exact address, citizenship status, migrant status, or national origin status for students or their families, course grades, postsecondary entrance examination results, political affiliation, or religion in the postsecondary student data system under this subsection.

''(3) PERIODIC MATCHING WITH OTHER FEDERAL DATA SYSTEMS.—

''(A) DATA SHARING AGREEMENTS.—

''(i) The Commissioner shall ensure secure, periodic data matches by entering into data

sharing agreements with each of the following Federal agencies and offices:

''(I) The Secretary of the Treasury and the Commissioner of the Internal Revenue Service, in order to calculate aggregate program- and institution-level earnings of postsecondary students.

''(II) The Secretary of Defense, in order to assess the use of postsecondary educational benefits and the outcomes of servicemembers.

''(III) The Secretary of Veterans Affairs, in order to assess the use of postsecondary educational benefits and outcomes of veterans.

''(IV) The Director of the Bureau of the Census, in order to assess the earnings outcomes of former postsecondary education students.

''(V) The Chief Operating Officer of the Office of Federal Student Aid, in order to analyze the use of postsecondary educational benefits provided under this Act.

''(VI) The Commissioner of the Social Security Administration, in order to evaluate labor market outcomes of former postsecondary education students.

''(VII) The Commissioner of the Bureau of Labor Statistics, in order to assess the wages of former postsecondary education students.

''(ii) The heads of Federal agencies and offices described under clause (i) shall enter into data sharing agreements with the Commissioner to ensure secure, periodic data matches as described in this paragraph.

''(B) CATEGORIES OF DATA.—The Commissioner shall, at a minimum, seek to ensure that the secure periodic data system matches described in subparagraph (A) permit consistent reporting of the following categories of data for all postsecondary students:

''(i) Enrollment, retention, transfer, and completion outcomes for all postsecondary students.

''(ii) Financial indicators for postsecondary students receiving Federal grants and loans, including grant and loan aid by source, cumulative student debt, loan repayment status, and repayment plan.

''(iii) Post-completion outcomes for all postsecondary students, including earnings, employment, and further education, by program of study and credential level and as measured—

''(I) immediately after leaving postsecondary education; and

''(II) at time intervals appropriate to the credential sought and earned.

''(C) PERIODIC DATA MATCH STREAMLINING AND CONFIDENTIALITY.—

''(i) STREAMLINING.—In carrying out the secure periodic data system matches under this paragraph, the Commissioner shall—

''(I) ensure that such matches are not continuous, but occur only periodically at appropriate intervals, as determined by the Commissioner to meet the goals of subparagraph (A); and

''(II) seek to—

''(aa) streamline the data collection and reporting requirements for institutions of higher education;

''(bb) minimize duplicative reporting across or within Federal agencies or departments, including reporting requirements applicable to institutions of higher education under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.) and the Carl D. Perkins Career and Technical Education Act of 2006;

''(cc) protect student privacy; and

''(dd) streamline the application process for student loan benefit programs available to borrowers based on data available from different Federal data systems.

''(ii) REVIEW.—Not less often than once every 3 years after the establishment of the postsecondary student data system under this subsection, the Commissioner, in consultation with the Advisory Committee, shall review methods for streamlining data collection from institutions of higher education and minimizing duplicative reporting within the Department and across Federal agencies that provide data for the postsecondary student data system.

''(iii) CONFIDENTIALITY.—The Commissioner shall ensure that any periodic matching or sharing of data through periodic data system matches established in accordance with this paragraph—

''(I) complies with the security and privacy protections described in paragraph (1)(C)(iv) and other Federal data protection protocols;

''(II) follows industry best practices commensurate with the sensitivity of specific data elements or metrics;

''(III) does not result in the creation of a single standing, linked Federal database at the Department that maintains the information reported across other Federal agencies; and

''(IV) discloses to postsecondary students what data are included in the data system and periodically matched and how the data are used.

''(iv) CORRECTION.—The Commissioner, in consultation with the Advisory Committee, shall establish a process for students to request access to only their personal information for inspection and request corrections to inaccuracies in a manner that protects the student's personally identifiable information. The Commissioner shall respond in writing to every request for a correction from a student.

''(4) PUBLICLY AVAILABLE INFORMATION.—

''(A) IN GENERAL.—The Commissioner shall make the summary aggregate information described in subparagraph (C), at a minimum, publicly available through a user-friendly consumer information website and analytic tool that—

''(i) provides appropriate mechanisms for users to customize and filter information by institutional and student characteristics;

''(ii) allows users to build summary aggregate reports of information, including reports that allow comparisons across multiple institutions and programs, subject to subparagraph (B);

''(iii) uses appropriate statistical disclosure limitation techniques necessary to ensure that the data released to the public cannot be used to identify specific individuals; and

''(iv) provides users with appropriate contextual factors to make comparisons, which may include national median figures of the summary aggregate information described in subparagraph (C).

''(B) NO PERSONALLY IDENTIFIABLE INFORMATION AVAILABLE.—The summary aggregate information described in this paragraph shall not include personally identifiable information.

''(C) SUMMARY AGGREGATE INFORMATION AVAILABLE.—The summary aggregate information described in this paragraph shall, at a minimum, include each of the following for each institution of higher education:

''(i) Measures of student access, including—

''(I) admissions selectivity and yield; and

''(II) enrollment, disaggregated by each category described in paragraph (2)(C)(ii).

''(ii) Measures of student progression, including retention rates and persistence rates, disaggregated by each category described in paragraph (2)(C)(ii).

''(iii) Measures of student completion, including—

''(I) transfer rates and completion rates, disaggregated by each category described in paragraph (2)(C)(ii); and

''(II) number of completions, disaggregated by each category described in paragraph (2)(C)(ii).

''(iv) Measures of student costs, including—

''(I) tuition, required fees, total cost of attendance, and net price after total grant aid, disaggregated by in-State tuition or in-district tuition status (if applicable), program of study (if applicable), and credential level; and

''(II) typical grant amounts and loan amounts received by students reported separately from Federal, State, local, and institutional sources, and cumulative debt, disaggregated by each category described in paragraph (2)(C)(ii) and completion status.

''(v) Measures of postcollegiate student outcomes, including employment rates, mean and median earnings, loan repayment and default rates, and further education rates. These measures shall—

''(I) be disaggregated by each category described in paragraph (2)(C)(ii) and completion status; and

''(II) be measured immediately after leaving postsecondary education and at time intervals appropriate to the credential sought or earned.

''(D) DEVELOPMENT CRITERIA.—In developing the method and format of making the information described in this paragraph publicly available, the Commissioner shall—

''(i) focus on the needs of the users of the information, which will include students, families of students, potential students, researchers, and other consumers of education data;

''(ii) take into consideration, to the extent practicable, the guidelines described in paragraph (1)(C)(ii)(I), and relevant successor documents or recommendations of such guidelines;

''(iii) use modern, relevant technology and enhance and update the postsecondary student data system with information, as necessary to carry out the purpose of this paragraph;

''(iv) ensure data privacy and security in accordance with standards and guidelines developed by the National Institute of Standards and Technology, and in accordance with any other Federal law relating to privacy or security, including complying with the requirements of subchapter II of chapter 35 of title 44, United States Code, specifying security categorization under the Federal Information Processing Standards, and security requirements, and setting of National Institute of Standards and Technology security baseline controls at the appropriate level; and

''(v) conduct consumer testing to determine how to make the information as meaningful to users as possible.

''(5) PERMISSIBLE DISCLOSURES OF DATA.—

''(A) DATA REPORTS AND QUERIES.—

''(i) IN GENERAL.—Not later than 4 years after the date of enactment of the College Transparency Act, the Commissioner shall develop and implement a secure process for making student-level, non-personally identifiable information, with direct identifiers removed, from the postsecondary student data system available for vetted research and evaluation purposes approved by the Commissioner in a manner compatible with practices for disclosing National Center for Education Statistics restricted-use survey data as in effect on the day before the date of enactment of the College Transparency Act, or by applying other research and disclosure restrictions to ensure data privacy and security. Such process shall be approved by the National Center for Education Statistics' Disclosure Review Board (or successor body).

''(ii) PROVIDING DATA REPORTS AND QUERIES TO INSTITUTIONS AND STATES.—

''(I) IN GENERAL.—The Commissioner shall provide feedback reports, at least annually, to each institution of higher education, each postsecondary education system that fully participates in the postsecondary student data system, and each State higher education body as designated by the governor.

''(II) FEEDBACK REPORTS.—The feedback reports provided under this clause shall include program-level and institution-level information from the postsecondary student data system regarding students who are associated with the institution or, for State representatives, the institutions within that State, on or before the date of the report, on measures including student mobility and workforce outcomes, provided that the feedback aggregate summary reports protect the privacy of individuals.

''(III) DETERMINATION OF CONTENT.—The content of the feedback reports shall be determined by the Commissioner in consultation with the Advisory Committee.

''(iii) PERMITTING STATE DATA QUERIES.—The Commissioner shall, in consultation with the Advisory Committee and as soon as practicable, create a process through which States may submit lists of secondary school graduates within the State to receive summary aggregate outcomes for those students who enrolled at an institution of higher education, including postsecondary enrollment and college completion, provided that those data protect the privacy of individuals and that the State data submitted to the Commissioner are not stored in the postsecondary education system.

''(iv) REGULATIONS.—The Commissioner shall promulgate regulations to ensure fair, secure, and equitable access to data reports and queries under this paragraph.

''(B) DISCLOSURE LIMITATIONS.—In carrying out the public reporting and disclosure requirements of this subsection, the Commissioner shall use appropriate statistical disclosure limitation techniques necessary to ensure that the data released to the public cannot include personally identifiable information or be used to identify specific individuals.

''(C) SALE OF DATA PROHIBITED.—Data collected under this subsection, including the public-use data set and data comprising the summary aggregate information available under paragraph (4), shall not be sold to any third party by the Commissioner, including any institution of higher education or any other entity.

''(D) LIMITATION ON USE BY OTHER FEDERAL AGENCIES.—

''(i) IN GENERAL.—The Commissioner shall not allow any other Federal agency to use data collected under this subsection for any purpose except—

''(I) for vetted research and evaluation conducted by the other Federal agency, as described in subparagraph (A)(i); or

''(II) for a purpose explicitly authorized by this Act.

''(ii) PROHIBITION ON LIMITATION OF SERVICES.—The Secretary, or the head of any other Federal agency, shall not use data collected under this subsection to limit services to students.

''(E) LAW ENFORCEMENT.—Personally identifiable information collected under this subsection shall not be used for any Federal, State, or local law enforcement activity or any other activity that would result in adverse action against any student or a student's family, including debt collection activity or enforcement of immigration laws.

''(F) LIMITATION OF USE FOR FEDERAL RANKINGS OR SUMMATIVE RATING SYSTEM.—The comprehensive data collection and analysis necessary for the postsecondary student data system under this subsection shall not be used by the Secretary or any Federal entity to establish any Federal ranking system of institutions of higher education or a system that results in a summative Federal rating of institutions of higher education.

''(G) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to prevent the use of individual categories of aggregate information to be used for accountability purposes.

''(H) RULE OF CONSTRUCTION REGARDING COMMERCIAL USE OF DATA.—Nothing in this paragraph shall be construed to prohibit third-party entities from using publicly available information in this data system for commercial use.

''(6) SUBMISSION OF DATA.—

''(A) REQUIRED SUBMISSION.—Each institution of higher education participating in a program under title IV, or the assigned agent of such institution, shall, for each eligible program, in accordance with section 487(a)(17), collect, and submit to the Commissioner, the data requested by the Commissioner to carry out this subsection.

''(B) VOLUNTARY SUBMISSION.—Any institution of higher education not participating in a program under title IV may voluntarily participate in the postsecondary student data system under this subsection by collecting and submitting data to the Commissioner, as the Commissioner may request to carry out this subsection.

''(C) PERSONALLY IDENTIFIABLE INFORMATION.—In accordance with paragraph (2)(C)(i), if the submission of an element of student-level data is prohibited under paragraph (2)(F) (or otherwise prohibited by law), the institution of higher education shall submit that data to the Commissioner in the aggregate.

''(7) UNLAWFUL WILLFUL DISCLOSURE.—

''(A) IN GENERAL.—It shall be unlawful for any person who obtains or has access to personally identifiable information in connection with the postsecondary student data system described in this subsection to willfully disclose to any person (except as authorized in this Act or by any Federal law) such personally identifiable information.

''(B) PENALTY.—Any person who violates subparagraph (A) shall be subject to a penalty described under section 3572(f) of title 44, United States Code, and section 183(d)(6) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9573(d)(6)).

''(C) EMPLOYEE OR OFFICER OF THE UNITED STATES.—If a violation of subparagraph (A) is committed by any officer or employee of the United States, the officer or employee shall be dismissed from office or discharged from employment upon conviction for the violation.

''(8) DATA SECURITY.—The Commissioner shall produce and update as needed guidance and regulations relating to privacy, security, and access which shall govern the use and disclosure of data collected in connection with the activities authorized in this subsection. The guidance and regulations developed and reviewed shall protect data from unauthorized access, use, and disclosure, and shall include—

''(A) an audit capability, including mandatory and regularly conducted audits;

''(B) access controls;

''(C) requirements to ensure sufficient data security, quality, validity, and reliability;

''(D) confidentiality protection in accordance with the applicable provisions of subchapter III of chapter 35 of title 44, United States Code;

''(E) appropriate and applicable privacy and security protection, including data retention and destruction protocols and data minimization, in accordance with the most recent Federal standards developed by the National Institute of Standards and Technology; and

''(F) protocols for managing a breach, including breach notifications, in accordance with the standards of National Center for Education Statistics.

''(9) DATA COLLECTION.—The Commissioner shall ensure that data collection, maintenance, and use under this subsection complies with section 552a of title 5, United States Code.

''(10) DEFINITIONS.—In this subsection:

''(A) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 102.

''(B) MINORITY-SERVING INSTITUTION.—The term 'minority-serving institution' means an institution of higher education listed in section 371(a).

''(C) PERSONALLY IDENTIFIABLE INFORMATION.—The term 'personally identifiable information' means personally identifiable information within the meaning of section 444 of the General Education Provisions Act.''.

(c) REPEAL OF PROHIBITION ON STUDENT DATA SYSTEM.—Section 134 of the Higher Education Act of 1965 (20 U.S.C. 1015c) is repealed.

(d) INSTITUTIONAL REQUIREMENTS.—

(1) IN GENERAL.—Paragraph (17) of section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)) is amended to read as follows:

''(17) The institution or the assigned agent of the institution will collect and submit data to the Commissioner for Education Statistics in accordance with section 132(l), the nonstudent related surveys within the Integrated Postsecondary Education Data System (IPEDS), or any other Federal institution of higher education data collection effort (as designated by the Secretary), in a timely manner and to the satisfaction of the Secretary.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 4 years after the date of enactment of this Act.

(e) TRANSITION PROVISIONS.—The Secretary of Education and the Commissioner for Education Statistics shall take such steps as are necessary to ensure that the development and maintenance of the postsecondary student data system required under section 132(l) of the Higher Education Act of 1965, as added by subsection (b) of this section, occurs in a manner that reduces the reporting burden for entities that reported into the Integrated Postsecondary Education Data System (IPEDS).

SA 4799. Mr. PETERS (for himself, Mr. PORTMAN, Mr. WARNER, Ms. COLLINS, Mr. KING, Mr. RUBIO, Mr. RISCH, Ms. ROSEN, Mr. CORNYN, and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—FEDERAL INFORMATION SECURITY MODERNIZATION ACT OF 2021

SEC. 5101. SHORT TITLE.

This division may be cited as the ''Federal Information Security Modernization Act of 2021''.

SEC. 5102. DEFINITIONS.

In this division, unless otherwise specified:

(1) ADDITIONAL CYBERSECURITY PROCEDURE.—The term ''additional cybersecurity procedure'' has the meaning given the term in section 3552(b) of title 44, United States Code, as amended by this division.

(2) AGENCY.—The term ''agency'' has the meaning given the term in section 3502 of title 44, United States Code.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Oversight and Reform of the House of Representatives; and

(C) the Committee on Homeland Security of the House of Representatives.

(4) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(5) INCIDENT.—The term ''incident'' has the meaning given the term in section 3552(b) of title 44, United States Code.

(6) NATIONAL SECURITY SYSTEM.—The term ''national security system'' has the meaning given the term in section 3552(b) of title 44, United States Code.

(7) PENETRATION TEST.—The term ''penetration test'' has the meaning given the term in section 3552(b) of title 44, United States Code, as amended by this division.

(8) THREAT HUNTING.—The term ''threat hunting'' means proactively and iteratively searching for threats to systems that evade detection by automated threat detection systems.

TITLE LI—UPDATES TO FISMA

SEC. 5121. TITLE 44 AMENDMENTS.

(a) SUBCHAPTER I AMENDMENTS.—Subchapter I of chapter 35 of title 44, United States Code, is amended—

(1) in section 3504—

(A) in subsection (a)(1)(B)—

(i) by striking clause (v) and inserting the following:

''(v) confidentiality, privacy, disclosure, and sharing of information;'';

(ii) by redesignating clause (vi) as clause (vii); and

(iii) by inserting after clause (v) the following:

''(vi) in consultation with the National Cyber Director and the Director of the Cybersecurity and Infrastructure Security Agency, security of information; and''; and

(B) in subsection (g), by striking paragraph (1) and inserting the following:

''(1) develop, and in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director, oversee the implementation of policies, principles, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for agencies; and'';

(2) in section 3505—

(A) in paragraph (3) of the first subsection designated as subsection (c)—

(i) in subparagraph (B)—

(I) by inserting ''the Director of the Cybersecurity and Infrastructure Security Agency, the National Cyber Director, and'' before ''the Comptroller General''; and

(II) by striking ''and'' at the end;

(ii) in subparagraph (C)(v), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(D) maintained on a continual basis through the use of automation, machine-readable data, and scanning.''; and

(B) by striking the second subsection designated as subsection (c);

(3) in section 3506—

(A) in subsection (b)(1)(C), by inserting '', availability'' after ''integrity''; and

(B) in subsection (h)(3), by inserting ''security,'' after ''efficiency,''; and

(4) in section 3513—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following:

''(c) Each agency providing a written plan under subsection (b) shall provide any portion of the written plan addressing information security or cybersecurity to the Director of the Cybersecurity and Infrastructure Security Agency.''.

(b) SUBCHAPTER II DEFINITIONS.—

(1) IN GENERAL.—Section 3552(b) of title 44, United States Code, is amended—

(A) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), (6), (9), and (11), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

''(1) The term 'additional cybersecurity procedure' means a process, procedure, or other activity that is established in excess of the information security standards promulgated under section 11331(b) of title 40 to increase the security and reduce the cybersecurity risk of agency systems.'';

(C) by inserting after paragraph (6), as so redesignated, the following:

''(7) The term 'high value asset' means information or an information system that the head of an agency determines so critical to the agency that the loss or corruption of the information or the loss of access to the information system would have a serious impact on the ability of the agency to perform the mission of the agency or conduct business.

''(8) The term 'major incident' has the meaning given the term in guidance issued by the Director under section 3598(a).'';

(D) by inserting after paragraph (9), as so redesignated, the following:

''(10) The term 'penetration test' means a specialized type of assessment that—

''(A) is conducted on an information system or a component of an information system; and

''(B) emulates an attack or other exploitation capability of a potential adversary, typically under specific constraints, in order to identify any vulnerabilities of an information system or a component of an information system that could be exploited.''; and

(E) by inserting after paragraph (11), as so redesignated, the following:

''(12) The term 'shared service' means a centralized business or mission capability that is provided to multiple organizations within an agency or to multiple agencies.''.

(2) CONFORMING AMENDMENTS.—

(A) HOMELAND SECURITY ACT OF 2002.—Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 511(1)(A)) is amended by striking ''section 3552(b)(5)'' and inserting ''section 3552(b)''.

(B) TITLE 10.—

(i) SECTION 2222.—Section 2222(i)(8) of title 10, United States Code, is amended by striking ''section 3552(b)(6)(A)'' and inserting ''section 3552(b)(9)(A)''.

(ii) SECTION 2223.—Section 2223(c)(3) of title 10, United States Code, is amended by striking ''section 3552(b)(6)'' and inserting ''section 3552(b)''.

(iii) SECTION 2315.—Section 2315 of title 10, United States Code, is amended by striking ''section 3552(b)(6)'' and inserting ''section 3552(b)''.

(iv) SECTION 2339A.—Section 2339a(e)(5) of title 10, United States Code, is amended by striking ''section 3552(b)(6)'' and inserting ''section 3552(b)''.

(C) HIGH-PERFORMANCE COMPUTING ACT OF 1991.—Section 207(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5527(a)) is amended by striking ''section 3552(b)(6)(A)(i)'' and inserting ''section 3552(b)(9)(A)(i)''.

(D) INTERNET OF THINGS CYBERSECURITY IMPROVEMENT ACT OF 2020.—Section 3(5) of the Internet of Things Cybersecurity Improvement Act of 2020 (15 U.S.C. 278g–3a) is amended by striking ''section 3552(b)(6)'' and inserting ''section 3552(b)''.

(E) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013.—Section 933(e)(1)(B) of the National Defense Authorization Act for Fiscal Year 2013 (10 U.S.C. 2224 note) is amended by striking ''section 3542(b)(2)'' and inserting ''section 3552(b)''.

(F) IKE SKELTON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011.—The Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383) is amended—

(i) in section 806(e)(5) (10 U.S.C. 2304 note), by striking ''section 3542(b)'' and inserting ''section 3552(b)'';

(ii) in section 931(b)(3) (10 U.S.C. 2223 note), by striking ''section 3542(b)(2)'' and inserting ''section 3552(b)''; and

(iii) in section 932(b)(2) (10 U.S.C. 2224 note), by striking ''section 3542(b)(2)'' and inserting ''section 3552(b)''.

(G) E-GOVERNMENT ACT OF 2002.—Section 301(c)(1)(A) of the E-Government Act of 2002 (44 U.S.C. 3501 note) is amended by striking ''section 3542(b)(2)'' and inserting ''section 3552(b)''.

(H) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT.—Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended—

(i) in subsection (a)(2), by striking ''section 3552(b)(5)'' and inserting ''section 3552(b)''; and

(ii) in subsection (f)—

(I) in paragraph (3), by striking ''section 3532(1)'' and inserting ''section 3552(b)''; and

(II) in paragraph (5), by striking ''section 3532(b)(2)'' and inserting ''section 3552(b)''.

(c) SUBCHAPTER II AMENDMENTS.—Subchapter II of chapter 35 of title 44, United States Code, is amended—

(1) in section 3551—

(A) in paragraph (4), by striking ''diagnose and improve'' and inserting ''integrate, deliver, diagnose, and improve'';

(B) in paragraph (5), by striking ''and'' at the end;

(C) in paragraph (6), by striking the period at the end and inserting a semi colon; and

(D) by adding at the end the following:

''(7) recognize that each agency has specific mission requirements and, at times, unique cybersecurity requirements to meet the mission of the agency;

''(8) recognize that each agency does not have the same resources to secure agency systems, and an agency should not be expected to have the capability to secure the systems of the agency from advanced adversaries alone; and

''(9) recognize that a holistic Federal cybersecurity model is necessary to account for differences between the missions and capabilities of agencies.'';

(2) in section 3553—

(A) by striking the section heading and inserting ''**Authority and functions of the Director and the Director of the Cybersecurity and Infrastructure Security Agency**''.

(B) in subsection (a)—

(i) in paragraph (1), by inserting '', in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director,'' before ''overseeing'';

(ii) in paragraph (5), by striking ''and'' at the end; and

(iii) by adding at the end the following:

''(8) promoting, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the Director of the National Institute of Standards and Technology—

''(A) the use of automation to improve Federal cybersecurity and visibility with respect to the implementation of Federal cybersecurity; and

''(B) the use of presumption of compromise and least privilege principles to improve resiliency and timely response actions to incidents on Federal systems.'';

(C) in subsection (b)—

(i) by striking the subsection heading and inserting ''CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY'';

(ii) in the matter preceding paragraph (1), by striking ''The Secretary, in consultation with the Director'' and inserting ''The Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director and the National Cyber Director'';

(iii) in paragraph (2)—

(I) in subparagraph (A), by inserting ''and reporting requirements under subchapter IV of this title'' after ''section 3556''; and

(II) in subparagraph (D), by striking ''the Director or Secretary'' and inserting ''the Director of the Cybersecurity and Infrastructure Security Agency'';

(iv) in paragraph (5), by striking ''coordinating'' and inserting ''leading the coordination of'';

(v) in paragraph (8), by striking ''the Secretary's discretion'' and inserting ''the Director of the Cybersecurity and Infrastructure Security Agency's discretion''; and

(vi) in paragraph (9), by striking ''as the Director or the Secretary, in consultation with the Director,'' and inserting ''as the Director of the Cybersecurity and Infrastructure Security Agency'';

(D) in subsection (c)—

(i) in the matter preceding paragraph (1), by striking ''each year'' and inserting ''each year during which agencies are required to submit reports under section 3554(c)'';

(ii) by striking paragraph (1);

(iii) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(iv) in paragraph (3), as so redesignated, by striking ''and'' at the end;

(v) by inserting after paragraph (3), as so redesignated the following:

''(4) a summary of each assessment of Federal risk posture performed under subsection (i);''; and

(vi) in paragraph (5), by striking the period at the end and inserting ''; and'';

(E) by redesignating subsections (i), (j), (k), and (l) as subsections (j), (k), (l), and (m) respectively;

(F) by inserting after subsection (h) the following:

''(i) FEDERAL RISK ASSESSMENTS.—On an ongoing and continuous basis, the Director of the Cybersecurity and Infrastructure Security Agency shall perform assessments of Federal risk posture using any available information on the cybersecurity posture of agencies, and brief the Director and National Cyber Director on the findings of those assessments including—

''(1) the status of agency cybersecurity remedial actions described in section 3554(b)(7);

''(2) any vulnerability information relating to the systems of an agency that is known by the agency;

''(3) analysis of incident information under section 3597;

''(4) evaluation of penetration testing performed under section 3559A;

''(5) evaluation of vulnerability disclosure program information under section 3559B;

''(6) evaluation of agency threat hunting results;

''(7) evaluation of Federal and non-Federal cyber threat intelligence;

''(8) data on agency compliance with standards issued under section 11331 of title 40;

''(9) agency system risk assessments performed under section 3554(a)(1)(A); and

''(10) any other information the Director of the Cybersecurity and Infrastructure Security Agency determines relevant.''; and

(G) in subsection (j), as so redesignated—

(i) by striking ''regarding the specific'' and inserting ''that includes a summary of—

''(1) the specific'';

(ii) in paragraph (1), as so designated, by striking the period at the end and inserting ''; and'' and

(iii) by adding at the end the following:

''(2) the trends identified in the Federal risk assessment performed under subsection (i).''; and

(H) by adding at the end the following:

''(n) BINDING OPERATIONAL DIRECTIVES.—If the Director of the Cybersecurity and Infrastructure Security Agency issues a binding operational directive or an emergency directive under this section, not later than 2 days after the date on which the binding operational directive requires an agency to take an action, the Director of the Cybersecurity and Infrastructure Security Agency shall provide to the appropriate reporting entities the status of the implementation of the binding operational directive at the agency.'';

(3) in section 3554—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D), respectively;

(II) by inserting before subparagraph (B), as so redesignated, the following:

''(A) on an ongoing and continuous basis, performing agency system risk assessments that—

''(i) identify and document the high value assets of the agency using guidance from the Director;

''(ii) evaluate the data assets inventoried under section 3511 for sensitivity to compromises in confidentiality, integrity, and availability;

''(iii) identify agency systems that have access to or hold the data assets inventoried under section 3511;

''(iv) evaluate the threats facing agency systems and data, including high value assets, based on Federal and non-Federal cyber threat intelligence products, where available;

''(v) evaluate the vulnerability of agency systems and data, including high value assets, including by analyzing—

''(I) the results of penetration testing performed by the Department of Homeland Security under section 3553(b)(9);

''(II) the results of penetration testing performed under section 3559A;

''(III) information provided to the agency through the vulnerability disclosure program of the agency under section 3559B;

''(IV) incidents; and

''(V) any other vulnerability information relating to agency systems that is known to the agency;

''(vi) assess the impacts of potential agency incidents to agency systems, data, and operations based on the evaluations described in clauses (ii) and (iv) and the agency systems identified under clause (iii); and

''(vii) assess the consequences of potential incidents occurring on agency systems that would impact systems at other agencies, including due to interconnectivity between different agency systems or operational reliance on the operations of the system or data in the system;'';

(III) in subparagraph (B), as so redesignated, in the matter preceding clause (i), by striking ''providing information'' and inserting ''using information from the assessment conducted under subparagraph (A), providing, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, information'';

(IV) in subparagraph (C), as so redesignated—

(aa) in clause (ii) by inserting ''binding'' before ''operational''; and

(bb) in clause (vi), by striking ''and'' at the end; and

(V) by adding at the end the following:

''(E) providing an update on the ongoing and continuous assessment performed under subparagraph (A)—

''(i) upon request, to the inspector general of the agency or the Comptroller General of the United States; and

''(ii) on a periodic basis, as determined by guidance issued by the Director but not less frequently than annually, to—

''(I) the Director;

''(II) the Director of the Cybersecurity and Infrastructure Security Agency; and

''(III) the National Cyber Director;

''(F) in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and not less frequently than once every 3 years, performing an evaluation of whether additional cybersecurity procedures are appropriate for securing a system of, or under the supervision of, the agency, which shall—

''(i) be completed considering the agency system risk assessment performed under subparagraph (A); and

''(ii) include a specific evaluation for high value assets;

''(G) not later than 30 days after completing the evaluation performed under subparagraph (F), providing the evaluation and an implementation plan, if applicable, for using additional cybersecurity procedures determined to be appropriate to—

''(i) the Director of the Cybersecurity and Infrastructure Security Agency;

''(ii) the Director; and

''(iii) the National Cyber Director; and

''(H) if the head of the agency determines there is need for additional cybersecurity procedures, ensuring that those additional cybersecurity procedures are reflected in the budget request of the agency in accordance with the risk-based cyber budget model developed pursuant to section 3553(a)(7);'';

(ii) in paragraph (2)—

(I) in subparagraph (A), by inserting ''in accordance with the agency system risk assessment performed under paragraph (1)(A)'' after ''information systems'';

(II) in subparagraph (B)—

(aa) by striking ''in accordance with standards'' and inserting ''in accordance with—

''(i) standards''; and

(bb) by adding at the end the following:

''(ii) the evaluation performed under paragraph (1)(F); and

''(iii) the implementation plan described in paragraph (1)(G);''; and

(III) in subparagraph (D), by inserting '', through the use of penetration testing, the vulnerability disclosure program established under section 3559B, and other means,'' after ''periodically'';

(iii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) in clause (iii), by striking ''and'' at the end;

(bb) in clause (iv), by adding ''and'' at the end; and

(cc) by adding at the end the following:

''(v) ensure that—

''(I) senior agency information security officers of component agencies carry out responsibilities under this subchapter, as directed by the senior agency information security officer of the agency or an equivalent official; and

''(II) senior agency information security officers of component agencies report to—

''(aa) the senior information security officer of the agency or an equivalent official; and

''(bb) the Chief Information Officer of the component agency or an equivalent official;''; and

(iv) in paragraph (5), by inserting ''and the Director of the Cybersecurity and Infrastructure Security Agency'' before ''on the effectiveness'';

(B) in subsection (b)—

(i) by striking paragraph (1) and inserting the following:

''(1) pursuant to subsection (a)(1)(A), performing ongoing and continuous agency system risk assessments, which may include using guidelines and automated tools consistent with standards and guidelines promulgated under section 11331 of title 40, as applicable;'';

(ii) in paragraph (2)—

(I) by striking subparagraph (B) and inserting the following:

''(B) comply with the risk-based cyber budget model developed pursuant to section 3553(a)(7);''; and

(II) in subparagraph (D)—

(aa) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively;

(bb) by inserting after clause (ii) the following:

''(iii) binding operational directives and emergency directives promulgated by the Director of the Cybersecurity and Infrastructure Security Agency under section 3553;''; and

(cc) in clause (iv), as so redesignated, by striking ''as determined by the agency; and'' and inserting ''as determined by the agency, considering—

''(I) the agency risk assessment performed under subsection (a)(1)(A); and

''(II) the determinations of applying more stringent standards and additional cybersecurity procedures pursuant to section 11331(c)(1) of title 40; and'';

(iii) in paragraph (5)(A), by inserting '', including penetration testing, as appropriate,'' after ''shall include testing'';

(iv) in paragraph (6), by striking ''planning, implementing, evaluating, and documenting'' and inserting ''planning and implementing and, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, evaluating and documenting'';

(v) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively;

(vi) by inserting after paragraph (6) the following:

''(7) a process for providing the status of every remedial action and known system vulnerability to the Director and the Director of the Cybersecurity and Infrastructure Security Agency, using automation and machine-readable data to the greatest extent practicable;''; and

(vii) in paragraph (8)(C), as so redesignated—

(I) by striking clause (ii) and inserting the following:

''(ii) notifying and consulting with the Federal information security incident center established under section 3556 pursuant to the requirements of section 3594;'';

(II) by redesignating clause (iii) as clause (iv);

(III) by inserting after clause (ii) the following:

''(iii) performing the notifications and other activities required under subchapter IV of this title; and''; and

(IV) in clause (iv), as so redesignated—

(aa) in subclause (I), by striking ''and relevant offices of inspectors general'';

(bb) in subclause (II), by adding ''and'' at the end;

(cc) by striking subclause (III); and

(dd) by redesignating subclause (IV) as subclause (III);

(C) in subsection (c)—

(i) by redesignating paragraph (2) as paragraph (5);

(ii) by striking paragraph (1) and inserting the following:

''(1) BIANNUAL REPORT.—Not later than 2 years after the date of enactment of the Federal Information Security Modernization Act of 2021 and not less frequently than once every 2 years thereafter, using the continuous and ongoing agency system risk assessment under subsection (a)(1)(A), the head of each agency shall submit to the Director, the Director of the Cybersecurity and Infrastructure Security Agency, the majority and minority leaders of the Senate, the Speaker and minority leader of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, the appropriate authorization and appropriations committees of Congress, the National Cyber Director, and the Comptroller General of the United States a report that—

''(A) summarizes the agency system risk assessment performed under subsection (a)(1)(A);

''(B) evaluates the adequacy and effectiveness of information security policies, procedures, and practices of the agency to address the risks identified in the agency system risk assessment performed under subsection (a)(1)(A), including an analysis of the agency's cybersecurity and incident response capabilities using the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c));

''(C) summarizes the evaluation and implementation plans described in subparagraphs (F) and (G) of subsection (a)(1) and whether those evaluation and implementation plans call for the use of additional cybersecurity procedures determined to be appropriate by the agency; and

''(D) summarizes the status of remedial actions identified by inspector general of the agency, the Comptroller General of the United States, and any other source determined appropriate by the head of the agency.

''(2) UNCLASSIFIED REPORTS.—Each report submitted under paragraph (1)—

''(A) shall be, to the greatest extent practicable, in an unclassified and otherwise uncontrolled form; and

''(B) may include a classified annex.

''(3) ACCESS TO INFORMATION.—The head of an agency shall ensure that, to the greatest extent practicable, information is included in the unclassified form of the report submitted by the agency under paragraph (2)(A).

''(4) BRIEFINGS.—During each year during which a report is not required to be submitted under paragraph (1), the Director shall provide to the congressional committees described in paragraph (1) a briefing summarizing current agency and Federal risk postures.''; and

(iii) in paragraph (5), as so redesignated, by striking the period at the end and inserting '', including the reporting procedures established under section 11315(d) of title 40 and subsection (a)(3)(A)(v) of this section.''; and

(D) in subsection (d)(1), in the matter preceding subparagraph (A), by inserting ''and the Director of the Cybersecurity and Infrastructure Security Agency'' after ''the Director''; and

(4) in section 3555—

(A) in the section heading, by striking ''**ANNUAL INDEPENDENT**'' and inserting ''**INDEPENDENT**'';

(B) in subsection (a)—

(i) in paragraph (1), by inserting ''during which a report is required to be submitted under section 3553(c),'' after ''Each year'';

(ii) in paragraph (2)(A), by inserting '', including by penetration testing and analyzing the vulnerability disclosure program of the agency'' after ''information systems''; and

(iii) by adding at the end the following:

''(3) An evaluation under this section may include recommendations for improving the cybersecurity posture of the agency.'';

(C) in subsection (b)(1), by striking ''annual'';

(D) in subsection (e)(1), by inserting ''during which a report is required to be submitted under section 3553(c)'' after ''Each year'';

(E) by striking subsection (f) and inserting the following:

''(f) PROTECTION OF INFORMATION.—(1) Agencies, evaluators, and other recipients of information that, if disclosed, may cause grave harm to the efforts of Federal information security officers shall take appropriate steps to ensure the protection of that information, including safeguarding the information from public disclosure.

''(2) The protections required under paragraph (1) shall be commensurate with the risk and comply with all applicable laws and regulations.

''(3) With respect to information that is not related to national security systems, agencies and evaluators shall make a summary of the information unclassified and publicly available, including information that does not identify—

''(A) specific information system incidents; or

''(B) specific information system vulnerabilities.'';

(F) in subsection (g)(2)—

(i) by striking ''this subsection shall'' and inserting ''this subsection—

''(A) shall'';

(ii) in subparagraph (A), as so designated, by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(B) identify any entity that performs an independent evaluation under subsection (b).''; and

(G) by striking subsection (j) and inserting the following:

''(j) GUIDANCE.—

''(1) IN GENERAL.—The Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, the Chief Information Officers Council, the Council of the Inspectors General on Integrity and Efficiency, and other interested parties as appropriate, shall ensure the development of guidance for evaluating the effectiveness of an information security program and practices

''(2) PRIORITIES.—The guidance developed under paragraph (1) shall prioritize the identification of—

''(A) the most common threat patterns experienced by each agency;

''(B) the security controls that address the threat patterns described in subparagraph (A); and

''(C) any other security risks unique to the networks of each agency.''; and

(5) in section 3556(a)—

(A) in the matter preceding paragraph (1), by inserting ''within the Cybersecurity and Infrastructure Security Agency'' after ''incident center''; and

(B) in paragraph (4), by striking ''3554(b)'' and inserting ''3554(a)(1)(A)''.

(d) CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 35 of title 44, United States Code, is amended—

(A) by striking the item relating to section 3553 and inserting the following:

''3553. Authority and functions of the Director and the Director of the Cybersecurity and Infrastructure Security Agency.''; and

(B) by striking the item relating to section 3555 and inserting the following:

''3555. Independent evaluation.''.

(2) OMB REPORTS.—Section 226(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1524(c)) is amended—

(A) in paragraph (1)(B), in the matter preceding clause (i), by striking ''annually thereafter'' and inserting ''thereafter during the years during which a report is required to be submitted under section 3553(c) of title 44, United States Code''; and

(B) in paragraph (2)(B), in the matter preceding clause (i)—

(i) by striking ''annually thereafter'' and inserting ''thereafter during the years during which a report is required to be submitted under section 3553(c) of title 44, United States Code''; and

(ii) by striking ''the report required under section 3553(c) of title 44, United States Code'' and inserting ''that report''.

(3) NIST RESPONSIBILITIES.—Section 20(d)(3)(B) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(d)(3)(B)) is amended by striking ''annual''.

(e) FEDERAL SYSTEM INCIDENT RESPONSE.—

(1) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—FEDERAL SYSTEM INCIDENT RESPONSE

''§ 3591. Definitions

''(a) IN GENERAL.—Except as provided in subsection (b), the definitions under sections 3502 and 3552 shall apply to this subchapter.

''(b) ADDITIONAL DEFINITIONS.—As used in this subchapter:

''(1) APPROPRIATE REPORTING ENTITIES.—The term 'appropriate reporting entities' means—

''(A) the majority and minority leaders of the Senate;

''(B) the Speaker and minority leader of the House of Representatives;

''(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(D) the Committee on Oversight and Reform of the House of Representatives;

''(E) the Committee on Homeland Security of the House of Representatives;

''(F) the appropriate authorization and appropriations committees of Congress;

''(G) the Director;

''(H) the Director of the Cybersecurity and Infrastructure Security Agency;

''(I) the National Cyber Director;

''(J) the Comptroller General of the United States; and

''(K) the inspector general of any impacted agency.

''(2) AWARDEE.—The term 'awardee'—

''(A) means a person, business, or other entity that receives a grant from, or is a party to a cooperative agreement or an other transaction agreement with, an agency; and

''(B) includes any subgrantee of a person, business, or other entity described in subparagraph (A).

''(3) BREACH.—The term 'breach' means—

''(A) a compromise of the security, confidentiality, or integrity of data in electronic form that results in unauthorized access to, or an acquisition of, personal information; or

''(B) a loss of data in electronic form that results in unauthorized access to, or an acquisition of, personal information.

''(4) CONTRACTOR.—The term 'contractor' means—

''(A) a prime contractor of an agency or a subcontractor of a prime contractor of an agency; and

''(B) any person or business that collects or maintains information, including personally identifiable information, on behalf of an agency.

''(5) FEDERAL INFORMATION.—The term 'Federal information' means information created, collected, processed, maintained, disseminated, disclosed, or disposed of by or for the Federal Government in any medium or form.

''(6) FEDERAL INFORMATION SYSTEM.—The term 'Federal information system' means an information system used or operated by an agency, a contractor, an awardee, or another organization on behalf of an agency.

''(7) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given the term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

''(8) NATIONWIDE CONSUMER REPORTING AGENCY.—The term 'nationwide consumer reporting agency' means a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)).

''(9) VULNERABILITY DISCLOSURE.—The term 'vulnerability disclosure' means a vulnerability identified under section 3559B.

''§ 3592. Notification of breach

''(a) NOTIFICATION.—As expeditiously as practicable and without unreasonable delay, and in any case not later than 45 days after an agency has a reasonable basis to conclude that a breach has occurred, the head of the agency, in consultation with a senior privacy officer of the agency, shall—

''(1) determine whether notice to any individual potentially affected by the breach is appropriate based on an assessment of the risk of harm to the individual that considers—

''(A) the nature and sensitivity of the personally identifiable information affected by the breach;

''(B) the likelihood of access to and use of the personally identifiable information affected by the breach;

''(C) the type of breach; and

''(D) any other factors determined by the Director; and

''(2) as appropriate, provide written notice in accordance with subsection (b) to each individual potentially affected by the breach—

''(A) to the last known mailing address of the individual; or

''(B) through an appropriate alternative method of notification that the head of the agency or a designated senior-level individual of the agency selects based on factors determined by the Director.

''(b) CONTENTS OF NOTICE.—Each notice of a breach provided to an individual under subsection (a)(2) shall include—

''(1) a brief description of the rationale for the determination that notice should be provided under subsection (a);

''(2) if possible, a description of the types of personally identifiable information affected by the breach;

''(3) contact information of the agency that may be used to ask questions of the agency, which—

''(A) shall include an e-mail address or another digital contact mechanism; and

''(B) may include a telephone number or a website;

''(4) information on any remedy being offered by the agency;

''(5) any applicable educational materials relating to what individuals can do in response to a breach that potentially affects their personally identifiable information, including relevant contact information for Federal law enforcement agencies and each nationwide consumer reporting agency; and

''(6) any other appropriate information, as determined by the head of the agency or established in guidance by the Director.

''(c) DELAY OF NOTIFICATION.—

''(1) IN GENERAL.—The Attorney General, the Director of National Intelligence, or the Secretary of Homeland Security may delay a notification required under subsection (a) if the notification would—

''(A) impede a criminal investigation or a national security activity;

''(B) reveal sensitive sources and methods;

''(C) cause damage to national security; or

''(D) hamper security remediation actions.

''(2) DOCUMENTATION.—

''(A) IN GENERAL.—Any delay under paragraph (1) shall be reported in writing to the Director, the Attorney General, the Director of National Intelligence, the Secretary of Homeland Security, the Director of the Cybersecurity and Infrastructure Security Agency, and the head of the agency and the inspector general of the agency that experienced the breach.

''(B) CONTENTS.—A report required under subparagraph (A) shall include a written statement from the entity that delayed the notification explaining the need for the delay.

''(C) FORM.—The report required under subparagraph (A) shall be unclassified but may include a classified annex.

''(3) RENEWAL.—A delay under paragraph (1) shall be for a period of 60 days and may be renewed.

''(d) UPDATE NOTIFICATION.—If an agency determines there is a significant change in the reasonable basis to conclude that a breach occurred, a significant change to the determination made under subsection (a)(1), or that it is necessary to update the details of the information provided to impacted individuals as described in subsection (b), the agency shall as expeditiously as practicable and without unreasonable delay, and in any case not later than 30 days after such a determination, notify each individual who received a notification pursuant to subsection (a) of those changes.

''(e) EXEMPTION FROM NOTIFICATION.—

''(1) IN GENERAL.—The head of an agency, in consultation with the inspector general of the agency, may request an exemption from the Director from complying with the notification requirements under subsection (a) if the information affected by the breach is determined by an independent evaluation to be unreadable, including, as appropriate, instances in which the information is—

''(A) encrypted; and

''(B) determined by the Director of the Cybersecurity and Infrastructure Security Agency to be of sufficiently low risk of exposure.

''(2) APPROVAL.—The Director shall determine whether to grant an exemption requested under paragraph (1) in consultation with—

''(A) the Director of the Cybersecurity and Infrastructure Security Agency; and

''(B) the Attorney General.

''(3) DOCUMENTATION.—Any exemption granted by the Director under paragraph (1) shall be reported in writing to the head of the agency and the inspector general of the agency that experienced the breach and the Director of the Cybersecurity and Infrastructure Security Agency.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit—

''(1) the Director from issuing guidance relating to notifications or the head of an agency from notifying individuals potentially affected by breaches that are not determined to be major incidents; or

''(2) the Director from issuing guidance relating to notifications of major incidents or the head of an agency from providing more information than described in subsection (b) when notifying individuals potentially affected by breaches.

''§ 3593. Congressional and Executive Branch reports

''(a) INITIAL REPORT.—

''(1) IN GENERAL.—Not later than 72 hours after an agency has a reasonable basis to conclude that a major incident occurred, the head of the agency impacted by the major incident shall submit to the appropriate reporting entities a written report and, to the extent practicable, provide a briefing to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the appropriate authorization and appropriations committees of Congress, taking into account—

''(A) the information known at the time of the report;

''(B) the sensitivity of the details associated with the major incident; and

''(C) the classification level of the information contained in the report.

''(2) CONTENTS.—A report required under paragraph (1) shall include, in a manner that excludes or otherwise reasonably protects personally identifiable information and to the extent permitted by applicable law, including privacy and statistical laws—

''(A) a summary of the information available about the major incident, including how the major incident occurred, information indicating that the major incident may be a breach, and information relating to the major incident as a breach, based on information available to agency officials as of the date on which the agency submits the report;

''(B) if applicable, a description and any associated documentation of any circumstances necessitating a delay in or exemption to notification to individuals potentially affected by the major incident under subsection (c) or (e) of section 3592; and

''(C) if applicable, an assessment of the impacts to the agency, the Federal Government, or the security of the United States, based on information available to agency officials on the date on which the agency submits the report.

''(b) SUPPLEMENTAL REPORT.—Within a reasonable amount of time, but not later than 30 days after the date on which an agency submits a written report under subsection (a), the head of the agency shall provide to the appropriate reporting entities written updates on the major incident and, to the extent practicable, provide a briefing to the congressional committees described in subsection (a)(1), including summaries of—

''(1) vulnerabilities, means by which the major incident occurred, and impacts to the agency relating to the major incident;

''(2) any risk assessment and subsequent risk-based security implementation of the affected information system before the date on which the major incident occurred;

''(3) the status of compliance of the affected information system with applicable security requirements at the time of the major incident;

''(4) an estimate of the number of individuals potentially affected by the major incident based on information available to agency officials as of the date on which the agency provides the update;

''(5) an assessment of the risk of harm to individuals potentially affected by the major incident based on information available to agency officials as of the date on which the agency provides the update;

''(6) an update to the assessment of the risk to agency operations, or to impacts on other agency or non-Federal entity operations, affected by the major incident based on information available to agency officials as of the date on which the agency provides the update; and

''(7) the detection, response, and remediation actions of the agency, including any support provided by the Cybersecurity and Infrastructure Security Agency under section 3594(d) and status updates on the notification process described in section 3592(a), including any delay or exemption described in subsection (c) or (e), respectively, of section 3592, if applicable.

''(c) UPDATE REPORT.—If the agency determines that there is any significant change in the understanding of the agency of the scope, scale, or consequence of a major incident for which an agency submitted a written report under subsection (a), the agency shall provide an updated report to the appropriate reporting entities that includes information relating to the change in understanding.

''(d) ANNUAL REPORT.—Each agency shall submit as part of the annual report required under section 3554(c)(1) of this title a description of each major incident that occurred during the 1-year period preceding the date on which the report is submitted.

''(e) DELAY AND EXEMPTION REPORT.—

''(1) IN GENERAL.—The Director shall submit to the appropriate notification entities an annual report on all notification delays and exemptions granted pursuant to subsections (c) and (d) of section 3592.

''(2) COMPONENT OF OTHER REPORT.—The Director may submit the report required under paragraph (1) as a component of the annual report submitted under section 3597(b).

''(f) REPORT DELIVERY.—Any written report required to be submitted under this section may be submitted in a paper or electronic format.

''(g) THREAT BRIEFING.—

''(1) IN GENERAL.—Not later than 7 days after the date on which an agency has a reasonable basis to conclude that a major incident occurred, the head of the agency, jointly with the National Cyber Director and any other Federal entity determined appropriate by the National Cyber Director, shall provide a briefing to the congressional committees described in subsection (a)(1) on the threat causing the major incident.

''(2) COMPONENTS.—The briefing required under paragraph (1)—

''(A) shall, to the greatest extent practicable, include an unclassified component; and

''(B) may include a classified component.

''(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit—

''(1) the ability of an agency to provide additional reports or briefings to Congress; or

''(2) Congress from requesting additional information from agencies through reports, briefings, or other means.

''§ 3594. Government information sharing and incident response

''(a) IN GENERAL.—

''(1) INCIDENT REPORTING.—The head of each agency shall provide any information relating to any incident, whether the information is obtained by the Federal Government directly or indirectly, to the Cybersecurity and Infrastructure Security Agency and the Office of Management and Budget.

''(2) CONTENTS.—A provision of information relating to an incident made by the head of an agency under paragraph (1) shall—

''(A) include detailed information about the safeguards that were in place when the incident occurred;

''(B) whether the agency implemented the safeguards described in subparagraph (A) correctly;

''(C) in order to protect against a similar incident, identify—

''(i) how the safeguards described in subparagraph (A) should be implemented differently; and

''(ii) additional necessary safeguards; and

''(D) include information to aid in incident response, such as—

''(i) a description of the affected systems or networks;

''(ii) the estimated dates of when the incident occurred; and

''(iii) information that could reasonably help identify the party that conducted the incident.

''(3) INFORMATION SHARING.—To the greatest extent practicable, the Director of the Cybersecurity and Infrastructure Security Agency shall share information relating to an incident with any agencies that may be impacted by the incident.

''(4) NATIONAL SECURITY SYSTEMS.—Each agency operating or exercising control of a national security system shall share information about incidents that occur on national security systems with the Director of the Cybersecurity and Infrastructure Security Agency to the extent consistent with standards and guidelines for national security systems issued in accordance with law and as directed by the President.

''(b) COMPLIANCE.—The information provided under subsection (a) shall take into account the level of classification of the information and any information sharing limitations and protections, such as limitations and protections relating to law enforcement, national security, privacy, statistical confidentiality, or other factors determined by the Director

''(c) INCIDENT RESPONSE.—Each agency that has a reasonable basis to conclude that a major incident occurred involving Federal information in electronic medium or form, as defined by the Director and not involving a national security system, regardless of delays from notification granted for a major incident, shall coordinate with the Cybersecurity and Infrastructure Security Agency regarding—

''(1) incident response and recovery; and

''(2) recommendations for mitigating future incidents.

''§ 3595. Responsibilities of contractors and awardees

''(a) NOTIFICATION.—

''(1) IN GENERAL.—Unless otherwise specified in a contract, grant, cooperative agreement, or an other transaction agreement, any contractor or awardee of an agency shall report to the agency within the same amount of time such agency is required to report an incident to the Cybersecurity and Infrastructure Security Agency, if the contractor or awardee has a reasonable basis to conclude that—

''(A) an incident or breach has occurred with respect to Federal information collected, used, or maintained by the contractor or awardee in connection with the contract, grant, cooperative agreement, or other transaction agreement of the contractor or awardee;

''(B) an incident or breach has occurred with respect to a Federal information system used or operated by the contractor or awardee in connection with the contract, grant, cooperative agreement, or other transaction agreement of the contractor or awardee; or

''(C) the contractor or awardee has received information from the agency that the contractor or awardee is not authorized to receive in connection with the contract, grant, cooperative agreement, or other transaction agreement of the contractor or awardee.

''(2) PROCEDURES.—

''(A) MAJOR INCIDENT.—Following a report of a breach or major incident by a contractor or awardee under paragraph (1), the agency, in consultation with the contractor or awardee, shall carry out the requirements under sections 3592, 3593, and 3594 with respect to the major incident.

''(B) INCIDENT.—Following a report of an incident by a contractor or awardee under paragraph (1), an agency, in consultation with the contractor or awardee, shall carry out the requirements under section 3594 with respect to the incident.

''(b) EFFECTIVE DATE.—This section shall apply on and after the date that is 1 year after the date of enactment of the Federal Information Security Modernization Act of 2021.

''§ 3596. Training

''(a) COVERED INDIVIDUAL DEFINED.—In this section, the term 'covered individual' means an individual who obtains access to Federal information or Federal information systems because of the status of the individual as an employee, contractor, awardee, volunteer, or intern of an agency.

''(b) REQUIREMENT.—The head of each agency shall develop training for covered individuals on how to identify and respond to an incident, including—

''(1) the internal process of the agency for reporting an incident; and

''(2) the obligation of a covered individual to report to the agency a confirmed major incident and any suspected incident involving information in any medium or form, including paper, oral, and electronic.

''(c) INCLUSION IN ANNUAL TRAINING.—The training developed under subsection (b) may be included as part of an annual privacy or security awareness training of an agency.

''§ 3597. Analysis and report on Federal incidents

''(a) ANALYSIS OF FEDERAL INCIDENTS.—

''(1) QUANTITATIVE AND QUALITATIVE ANALYSES.—The Director of the Cybersecurity and Infrastructure Security Agency shall develop, in consultation with the Director and the National Cyber Director, and perform continuous monitoring and quantitative and qualitative analyses of incidents at agencies, including major incidents, including—

''(A) the causes of incidents, including—

''(i) attacker tactics, techniques, and procedures; and

''(ii) system vulnerabilities, including zero days, unpatched systems, and information system misconfigurations;

''(B) the scope and scale of incidents at agencies;

''(C) cross Federal Government root causes of incidents at agencies;

''(D) agency incident response, recovery, and remediation actions and the effectiveness of those actions, as applicable;

''(E) lessons learned and recommendations in responding to, recovering from, remediating, and mitigating future incidents; and

''(F) trends in cross-Federal Government cybersecurity and incident response capabilities using the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)).

''(2) AUTOMATED ANALYSIS.—The analyses developed under paragraph (1) shall, to the greatest extent practicable, use machine readable data, automation, and machine learning processes.

''(3) SHARING OF DATA AND ANALYSIS.—

''(A) IN GENERAL.—The Director shall share on an ongoing basis the analyses required under this subsection with agencies and the National Cyber Director to—

''(i) improve the understanding of cybersecurity risk of agencies; and

''(ii) support the cybersecurity improvement efforts of agencies.

''(B) FORMAT.—In carrying out subparagraph (A), the Director shall share the analyses—

''(i) in human-readable written products; and

''(ii) to the greatest extent practicable, in machine-readable formats in order to enable automated intake and use by agencies.

''(b) ANNUAL REPORT ON FEDERAL INCIDENTS.—Not later than 2 years after the date of enactment of this section, and not less frequently than annually thereafter, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director and other Federal agencies as appropriate, shall submit to the appropriate notification entities a report that includes—

''(1) a summary of causes of incidents from across the Federal Government that categorizes those incidents as incidents or major incidents;

''(2) the quantitative and qualitative analyses of incidents developed under subsection (a)(1) on an agency-by-agency basis and comprehensively across the Federal Government, including—

''(A) a specific analysis of breaches; and

''(B) an analysis of the Federal Government's performance against the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)); and

''(3) an annex for each agency that includes—

''(A) a description of each major incident;

''(B) the total number of compromises of the agency; and

''(C) an analysis of the agency's performance against the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)).

''(c) PUBLICATION.—A version of each report submitted under subsection (b) shall be made publicly available on the website of the Cybersecurity and Infrastructure Security Agency during the year in which the report is submitted.

''(d) INFORMATION PROVIDED BY AGENCIES.—

''(1) IN GENERAL.—The analysis required under subsection (a) and each report submitted under subsection (b) shall use information provided by agencies under section 3594(a).

''(2) NONCOMPLIANCE REPORTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), during any year during which the head of an agency does not provide data for an incident to the Cybersecurity and Infrastructure Security Agency in accordance with section 3594(a), the head of the agency, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and the Director, shall submit to the appropriate reporting entities a report that includes—

''(i) data for the incident; and

''(ii) the information described in subsection (b) with respect to the agency.

''(B) EXCEPTION FOR NATIONAL SECURITY SYSTEMS.—The head of an agency that owns or exercises control of a national security system shall not include data for an incident that occurs on a national security system in any report submitted under subparagraph (A).

''(3) NATIONAL SECURITY SYSTEM REPORTS.—

''(A) IN GENERAL.—Annually, the head of an agency that operates or exercises control of a national security system shall submit a report that includes the information described in subsection (b) with respect to the agency to the extent that the submission is consistent with standards and guidelines for national security systems issued in accordance with law and as directed by the President to—

''(i) the majority and minority leaders of the Senate,

''(ii) the Speaker and minority leader of the House of Representatives;

''(iii) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(iv) the Select Committee on Intelligence of the Senate;

''(v) the Committee on Armed Services of the Senate;

''(vi) the Committee on Appropriations of the Senate;

''(vii) the Committee on Oversight and Reform of the House of Representatives;

''(viii) the Committee on Homeland Security of the House of Representatives;

''(ix) the Permanent Select Committee on Intelligence of the House of Representatives;

''(x) the Committee on Armed Services of the House of Representatives; and

''(xi) the Committee on Appropriations of the House of Representatives.

''(B) CLASSIFIED FORM.—A report required under subparagraph (A) may be submitted in a classified form.

''(e) REQUIREMENT FOR COMPILING INFORMATION.—In publishing the public report required under subsection (c), the Director of the Cybersecurity and Infrastructure Security Agency shall sufficiently compile information such that no specific incident of an agency can be identified, except with the concurrence of the Director of the Office of Management and Budget and in consultation with the impacted agency.

''§ 3598. Major incident definition

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Federal Information Security Modernization Act of 2021, the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director, shall develop and promulgate guidance on the definition of the term 'major incident' for the purposes of subchapter II and this subchapter.

''(b) REQUIREMENTS.—With respect to the guidance issued under subsection (a), the definition of the term 'major incident' shall—

''(1) include, with respect to any information collected or maintained by or on behalf of an agency or an information system used or operated by an agency or by a contractor of an agency or another organization on behalf of an agency—

''(A) any incident the head of the agency determines is likely to have an impact on—

''(i) the national security, homeland security, or economic security of the United States; or

''(ii) the civil liberties or public health and safety of the people of the United States;

''(B) any incident the head of the agency determines likely to result in an inability for the agency, a component of the agency, or the Federal Government, to provide 1 or more critical services;

''(C) any incident that the head of an agency, in consultation with a senior privacy officer of the agency, determines is likely to have a significant privacy impact on 1 or more individual;

''(D) any incident that the head of the agency, in consultation with a senior privacy official of the agency, determines is likely to have a substantial privacy impact on a significant number of individuals;

''(E) any incident the head of the agency determines impacts the operations of a high value asset owned or operated by the agency;

''(F) any incident involving the exposure of sensitive agency information to a foreign entity, such as the communications of the head of the agency, the head of a component of the agency, or the direct reports of the head of the agency or the head of a component of the agency; and

''(G) any other type of incident determined appropriate by the Director;

''(2) stipulate that the National Cyber Director shall declare a major incident at each agency impacted by an incident if the Director of the Cybersecurity and Infrastructure Security Agency determines that an incident—

''(A) occurs at not less than 2 agencies; and

''(B) is enabled by—

''(i) a common technical root cause, such as a supply chain compromise, a common software or hardware vulnerability; or

''(ii) the related activities of a common threat actor; and

''(3) stipulate that, in determining whether an incident constitutes a major incident because that incident—

''(A) is any incident described in paragraph (1), the head of an agency shall consult with the Director of the Cybersecurity and Infrastructure Security Agency;

''(B) is an incident described in paragraph (1)(A), the head of the agency shall consult with the National Cyber Director; and

''(C) is an incident described in subparagraph (C) or (D) of paragraph (1), the head of the agency shall consult with—

''(i) the Privacy and Civil Liberties Oversight Board; and

''(ii) the Chair of the Federal Trade Commission.

''(c) SIGNIFICANT NUMBER OF INDIVIDUALS.—In determining what constitutes a significant number of individuals under subsection (b)(1)(D), the Director—

''(1) may determine a threshold for a minimum number of individuals that constitutes a significant amount; and

''(2) may not determine a threshold described in paragraph (1) that exceeds 5,000 individuals.

''(d) EVALUATION AND UPDATES.—Not later than 2 years after the date of enactment of the Federal Information Security Modernization Act of 2021, and not less frequently than every 2 years thereafter, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives an evaluation, which shall include—

''(1) an update, if necessary, to the guidance issued under subsection (a);

''(2) the definition of the term 'major incident' included in the guidance issued under subsection (a); and

''(3) an explanation of, and the analysis that led to, the definition described in paragraph (2).''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—FEDERAL SYSTEM INCIDENT RESPONSE

''3591. Definitions.
''3592. Notification of breach.
''3593. Congressional and Executive Branch reports.
''3594. Government information sharing and incident response.
''3595. Responsibilities of contractors and awardees.
''3596. Training.
''3597. Analysis and report on Federal incidents.
''3598. Major incident definition.''.

SEC. 5122. AMENDMENTS TO SUBTITLE III OF TITLE 40.

(a) MODERNIZING GOVERNMENT TECHNOLOGY.—Subtitle G of title X of Division A of the National Defense Authorization Act for Fiscal Year 2018 (40 U.S.C. 11301 note) is amended—

(1) in section 1077(b)—

(A) in paragraph (5)(A), by inserting ''improving the cybersecurity of systems and'' before ''cost savings activities''; and

(B) in paragraph (7)—

(i) in the paragraph heading, by striking ''CIO'' and inserting ''CIO'';

(ii) by striking ''In evaluating projects'' and inserting the following:

''(A) CONSIDERATION OF GUIDANCE.—In evaluating projects'';

(iii) in subparagraph (A), as so designated, by striking ''under section 1094(b)(1)'' and inserting ''by the Director''; and

(iv) by adding at the end the following:

''(B) CONSULTATION.—In using funds under paragraph (3)(A), the Chief Information Officer of the covered agency shall consult with the necessary stakeholders to ensure the project appropriately addresses cybersecurity risks, including the Director of the Cybersecurity and Infrastructure Security Agency, as appropriate.''; and

(2) in section 1078—

(A) by striking subsection (a) and inserting the following:

''(a) DEFINITIONS.—In this section:

''(1) AGENCY.—The term 'agency' has the meaning given the term in section 551 of title 5, United States Code.

''(2) HIGH VALUE ASSET.—The term 'high value asset' has the meaning given the term in section 3552 of title 44, United States Code.'';

(B) in subsection (b), by adding at the end the following:

''(8) PROPOSAL EVALUATION.—The Director shall—

''(A) give consideration for the use of amounts in the Fund to improve the security of high value assets; and

''(B) require that any proposal for the use of amounts in the Fund includes a cybersecurity plan, including a supply chain risk management plan, to be reviewed by the member of the Technology Modernization Board described in subsection (c)(5)(C).''; and

(C) in subsection (c)—

(i) in paragraph (2)(A)(i), by inserting '', including a consideration of the impact on high value assets'' after ''operational risks'';

(ii) in paragraph (5)—

(I) in subparagraph (A), by striking ''and'' at the end;

(II) in subparagraph (B), by striking the period at the end and inserting ''and''; and

(III) by adding at the end the following:

''(C) a senior official from the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, appointed by the Director.''; and

(iii) in paragraph (6)(A), by striking ''shall be—'' and all that follows through ''4 employees'' and inserting ''shall be 4 employees''.

(b) SUBCHAPTER I.—Subchapter I of subtitle III of title 40, United States Code, is amended—

(1) in section 11302—

(A) in subsection (b), by striking ''use, security, and disposal of'' and inserting ''use, and disposal of, and, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director, promote and improve the security of,'';

(B) in subsection (c)—

(i) in paragraph (3)—

(I) in subparagraph (A)—

(aa) by striking ''including data'' and inserting ''which shall—

''(i) include data'';

(bb) in clause (i), as so designated, by striking '', and performance'' and inserting ''security, and performance; and''; and

(cc) by adding at the end the following:

''(ii) specifically denote cybersecurity funding under the risk-based cyber budget model developed pursuant to section 3553(a)(7) of title 44.''; and

(II) in subparagraph (B), adding at the end the following:

''(iii) The Director shall provide to the National Cyber Director any cybersecurity funding information described in subparagraph (A)(ii) that is provided to the Director under clause (ii) of this subparagraph.''; and

(ii) in paragraph (4)(B), in the matter preceding clause (i), by inserting ''not later than 30 days after the date on which the review under subparagraph (A) is completed,'' before ''the Administrator'';

(C) in subsection (f)—

(i) by striking ''heads of executive agencies to develop'' and inserting ''heads of executive agencies to—

''(1) develop'';

(ii) in paragraph (1), as so designated, by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(2) consult with the Director of the Cybersecurity and Infrastructure Security Agency for the development and use of supply chain security best practices.''; and

(D) in subsection (h), by inserting '', including cybersecurity performances,'' after ''the performances''; and

(2) in section 11303(b)—

(A) in paragraph (2)(B)—

(i) in clause (i), by striking ''or'' at the end;

(ii) in clause (ii), by adding ''or'' at the end; and

(iii) by adding at the end the following:

''(iii) whether the function should be performed by a shared service offered by another executive agency;''; and

(B) in paragraph (5)(B)(i), by inserting '', while taking into account the risk-based cyber budget model developed pursuant to section 3553(a)(7) of title 44'' after ''title 31''.

(c) SUBCHAPTER II.—Subchapter II of subtitle III of title 40, United States Code, is amended—

(1) in section 11312(a), by inserting '', including security risks'' after ''managing the risks'';

(2) in section 11313(1), by striking ''efficiency and effectiveness'' and inserting ''efficiency, security, and effectiveness'';

(3) in section 11315, by adding at the end the following:

''(d) COMPONENT AGENCY CHIEF INFORMATION OFFICERS.—The Chief Information Officer or an equivalent official of a component agency shall report to—

''(1) the Chief Information Officer designated under section 3506(a)(2) of title 44 or an equivalent official of the agency of which the component agency is a component; and

''(2) the head of the component agency.'';

(4) in section 11317, by inserting ''security,'' before ''or schedule''; and

(5) in section 11319(b)(1), in the paragraph heading, by striking ''CIOS'' and inserting ''CHIEF INFORMATION OFFICERS''.

(d) SUBCHAPTER III.—Section 11331 of title 40, United States Code, is amended—

(1) in subsection (a), by striking ''section 3532(b)(1)'' and inserting ''section 3552(b)'';

(2) in subsection (b)(1)(A), by striking ''the Secretary of Homeland Security'' and inserting ''the Director of the Cybersecurity and Infrastructure Security Agency'';

(3) by striking subsection (c) and inserting the following:

''(c) APPLICATION OF MORE STRINGENT STANDARDS.—

''(1) IN GENERAL.—The head of an agency shall—

''(A) evaluate, in consultation with the senior agency information security officers, the need to employ standards for cost-effective, risk-based information security for all systems, operations, and assets within or under the supervision of the agency that are more stringent than the standards promulgated by the Director under this section, if such standards contain, at a minimum, the

provisions of those applicable standards made compulsory and binding by the Director; and

''(B) to the greatest extent practicable and if the head of the agency determines that the standards described in subparagraph (A) are necessary, employ those standards.

''(2) EVALUATION OF MORE STRINGENT STANDARDS.—In evaluating the need to employ more stringent standards under paragraph (1), the head of an agency shall consider available risk information, such as—

''(A) the status of cybersecurity remedial actions of the agency;

''(B) any vulnerability information relating to agency systems that is known to the agency;

''(C) incident information of the agency;

''(D) information from—

''(i) penetration testing performed under section 3559A of title 44; and

''(ii) information from the vulnerability disclosure program established under section 3559B of title 44;

''(E) agency threat hunting results under section 5145 of the Federal Information Security Modernization Act of 2021;

''(F) Federal and non-Federal cyber threat intelligence;

''(G) data on compliance with standards issued under this section;

''(H) agency system risk assessments performed under section 3554(a)(1)(A) of title 44; and

''(I) any other information determined relevant by the head of the agency.'';

(4) in subsection (d)(2)—

(A) in the paragraph heading, by striking ''NOTICE AND COMMENT'' and inserting ''CONSULTATION, NOTICE, AND COMMENT'';

(B) by inserting ''promulgate,'' before ''significantly modify''; and

(C) by striking ''shall be made after the public is given an opportunity to comment on the Director's proposed decision.'' and inserting ''shall be made—

''(A) for a decision to significantly modify or not promulgate such a proposed standard, after the public is given an opportunity to comment on the Director's proposed decision;

''(B) in consultation with the Chief Information Officers Council, the Director of the Cybersecurity and Infrastructure Security Agency, the National Cyber Director, the Comptroller General of the United States, and the Council of the Inspectors General on Integrity and Efficiency;

''(C) considering the Federal risk assessments performed under section 3553(i) of title 44; and

''(D) considering the extent to which the proposed standard reduces risk relative to the cost of implementation of the standard.''; and

(5) by adding at the end the following:

''(e) REVIEW OF OFFICE OF MANAGEMENT AND BUDGET GUIDANCE AND POLICY.—

''(1) CONDUCT OF REVIEW.—

''(A) IN GENERAL.—Not less frequently than once every 3 years, the Director of the Office of Management and Budget, in consultation with the Chief Information Officers Council, the Director of the Cybersecurity and Infrastructure Security Agency, the National Cyber Director, the Comptroller General of the United States, and the Council of the Inspectors General on Integrity and Efficiency shall review the efficacy of the guidance and policy promulgated by the Director in reducing cybersecurity risks, including an assessment of the requirements for agencies to report information to the Director, and determine whether any changes to that guidance or policy is appropriate.

''(B) FEDERAL RISK ASSESSMENTS.—In conducting the review described in subparagraph (A), the Director shall consider the Federal risk assessments performed under section 3553(i) of title 44.

''(2) UPDATED GUIDANCE.—Not later than 90 days after the date on which a review is completed under paragraph (1), the Director of the Office of Management and Budget shall issue updated guidance or policy to agencies determined appropriate by the Director, based on the results of the review.

''(3) PUBLIC REPORT.—Not later than 30 days after the date on which a review is completed under paragraph (1), the Director of the Office of Management and Budget shall make publicly available a report that includes—

''(A) an overview of the guidance and policy promulgated under this section that is currently in effect;

''(B) the cybersecurity risk mitigation, or other cybersecurity benefit, offered by each guidance or policy document described in subparagraph (A); and

''(C) a summary of the guidance or policy to which changes were determined appropriate during the review and what the changes are anticipated to include.

''(4) CONGRESSIONAL BRIEFING.—Not later than 30 days after the date on which a review is completed under paragraph (1), the Director shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a briefing on the review.

''(f) AUTOMATED STANDARD IMPLEMENTATION VERIFICATION.—When the Director of the National Institute of Standards and Technology issues a proposed standard pursuant to paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)), the Director of the National Institute of Standards and Technology shall consider developing and, if appropriate and practical, develop, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, specifications to enable the automated verification of the implementation of the controls within the standard.''.

SEC. 5123. ACTIONS TO ENHANCE FEDERAL INCIDENT RESPONSE.

(a) RESPONSIBILITIES OF THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall—

(A) develop a plan for the development of the analysis required under section 3597(a) of title 44, United States Code, as added by this division, and the report required under subsection (b) of that section that includes—

(i) a description of any challenges the Director anticipates encountering; and

(ii) the use of automation and machine-readable formats for collecting, compiling, monitoring, and analyzing data; and

(B) provide to the appropriate congressional committees a briefing on the plan developed under subparagraph (A).

(2) BRIEFING.—Not later than 1 year after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall provide to the appropriate congressional committees a briefing on—

(A) the execution of the plan required under paragraph (1)(A); and

(B) the development of the report required under section 3597(b) of title 44, United States Code, as added by this division.

(b) RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.—

(1) FISMA.—Section 2 of the Federal Information Security Modernization Act of 2014 (44 U.S.C. 3554 note) is amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c) through (f) as subsections (b) through (e), respectively.

(2) INCIDENT DATA SHARING.—

(A) IN GENERAL.—The Director shall develop guidance, to be updated not less frequently than once every 2 years, on the content, timeliness, and format of the information provided by agencies under section 3594(a) of title 44, United States Code, as added by this division.

(B) REQUIREMENTS.—The guidance developed under subparagraph (A) shall—

(i) prioritize the availability of data necessary to understand and analyze—

(I) the causes of incidents;

(II) the scope and scale of incidents within the environments and systems of an agency;

(III) a root cause analysis of incidents that—

(aa) are common across the Federal Government; or

(bb) have a Government-wide impact;

(IV) agency response, recovery, and remediation actions and the effectiveness of those actions; and

(V) the impact of incidents;

(ii) enable the efficient development of—

(I) lessons learned and recommendations in responding to, recovering from, remediating, and mitigating future incidents; and

(II) the report on Federal incidents required under section 3597(b) of title 44, United States Code, as added by this division;

(iii) include requirements for the timeliness of data production; and

(iv) include requirements for using automation and machine-readable data for data sharing and availability.

(3) GUIDANCE ON RESPONDING TO INFORMATION REQUESTS.—Not later than 1 year after the date of enactment of this Act, the Director shall develop guidance for agencies to implement the requirement under section 3594(c) of title 44, United States Code, as added by this division, to provide information to other agencies experiencing incidents.

(4) STANDARD GUIDANCE AND TEMPLATES.—Not later than 1 year after the date of enactment of this Act, the Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, shall develop guidance and templates, to be reviewed and, if necessary, updated not less frequently than once every 2 years, for use by Federal agencies in the activities required under sections 3592, 3593, and 3596 of title 44, United States Code, as added by this division.

(5) CONTRACTOR AND AWARDEE GUIDANCE.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director, in coordination with the Secretary of Homeland Security, the Secretary of Defense, the Administrator of General Services, and the heads of other agencies determined appropriate by the Director, shall issue guidance to Federal agencies on how to deconflict, to the greatest extent practicable, existing regulations, policies, and procedures relating to the responsibilities of contractors and awardees established under section 3595 of title 44, United States Code, as added by this division.

(B) EXISTING PROCESSES.—To the greatest extent practicable, the guidance issued under subparagraph (A) shall allow contractors and awardees to use existing processes for notifying Federal agencies of incidents involving information of the Federal Government.

(6) UPDATED BRIEFINGS.—Not less frequently than once every 2 years, the Director shall provide to the appropriate congressional committees an update on the guidance and templates developed under paragraphs (2) through (4).

(c) UPDATE TO THE PRIVACY ACT OF 1974.—Section 552a(b) of title 5, United States Code (commonly known as the ''Privacy Act of 1974'') is amended—

(1) in paragraph (11), by striking ''or'' at the end;

(2) in paragraph (12), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(13) to another agency in furtherance of a response to an incident (as defined in section 3552 of title 44) and pursuant to the information sharing requirements in section 3594 of title 44 if the head of the requesting agency has made a written request to the agency that maintains the record specifying the particular portion desired and the activity for which the record is sought.''.

SEC. 5124. ADDITIONAL GUIDANCE TO AGENCIES ON FISMA UPDATES.

Not later than 1 year after the date of enactment of this Act, the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall issue guidance for agencies on—

(1) performing the ongoing and continuous agency system risk assessment required under section 3554(a)(1)(A) of title 44, United States Code, as amended by this division;

(2) implementing additional cybersecurity procedures, which shall include resources for shared services;

(3) establishing a process for providing the status of each remedial action under section 3554(b)(7) of title 44, United States Code, as amended by this division, to the Director and the Cybersecurity and Infrastructure Security Agency using automation and machine-readable data, as practicable, which shall include—

(A) specific guidance for the use of automation and machine-readable data; and

(B) templates for providing the status of the remedial action;

(4) interpreting the definition of ''high value asset'' under section 3552 of title 44, United States Code, as amended by this division; and

(5) a requirement to coordinate with inspectors general of agencies to ensure consistent understanding and application of agency policies for the purpose of evaluations by inspectors general.

SEC. 5125. AGENCY REQUIREMENTS TO NOTIFY PRIVATE SECTOR ENTITIES IMPACTED BY INCIDENTS.

(a) DEFINITIONS.—In this section:

(1) REPORTING ENTITY.—The term ''reporting entity'' means private organization or governmental unit that is required by statute or regulation to submit sensitive information to an agency.

(2) SENSITIVE INFORMATION.—The term ''sensitive information'' has the meaning given the term by the Director in guidance issued under subsection (b).

(b) GUIDANCE ON NOTIFICATION OF REPORTING ENTITIES.—Not later than 180 days after the date of enactment of this Act, the Director shall issue guidance requiring the head of each agency to notify a reporting entity of an incident that is likely to substantially affect—

(1) the confidentiality or integrity of sensitive information submitted by the reporting entity to the agency pursuant to a statutory or regulatory requirement; or

(2) the agency information system or systems used in the transmission or storage of the sensitive information described in paragraph (1).

TITLE LII—IMPROVING FEDERAL CYBERSECURITY

SEC. 5141. MOBILE SECURITY STANDARDS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director shall—

(1) evaluate mobile application security guidance promulgated by the Director; and

(2) issue guidance to secure mobile devices, including for mobile applications, for every agency.

(b) CONTENTS.—The guidance issued under subsection (a)(2) shall include—

(1) a requirement, pursuant to section 3506(b)(4) of title 44, United States Code, for every agency to maintain a continuous inventory of every—

(A) mobile device operated by or on behalf of the agency; and

(B) vulnerability identified by the agency associated with a mobile device; and

(2) a requirement for every agency to perform continuous evaluation of the vulnerabilities described in paragraph (1)(B) and other risks associated with the use of applications on mobile devices.

(c) INFORMATION SHARING.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall issue guidance to agencies for sharing the inventory of the agency required under subsection (b)(1) with the Director of the Cybersecurity and Infrastructure Security Agency, using automation and machine-readable data to the greatest extent practicable.

(d) BRIEFING.—Not later than 60 days after the date on which the Director issues guidance under subsection (a)(2), the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall provide to the appropriate congressional committees a briefing on the guidance.

SEC. 5142. DATA AND LOGGING RETENTION FOR INCIDENT RESPONSE.

(a) RECOMMENDATIONS.—Not later than 2 years after the date of enactment of this Act, and not less frequently than every 2 years thereafter, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Attorney General, shall submit to the Director recommendations on requirements for logging events on agency systems and retaining other relevant data within the systems and networks of an agency.

(b) CONTENTS.—The recommendations provided under subsection (a) shall include—

(1) the types of logs to be maintained;

(2) the time periods to retain the logs and other relevant data;

(3) the time periods for agencies to enable recommended logging and security requirements;

(4) how to ensure the confidentiality, integrity, and availability of logs;

(5) requirements to ensure that, upon request, in a manner that excludes or otherwise reasonably protects personally identifiable information, and to the extent permitted by applicable law (including privacy and statistical laws), agencies provide logs to—

(A) the Director of the Cybersecurity and Infrastructure Security Agency for a cybersecurity purpose; and

(B) the Federal Bureau of Investigation to investigate potential criminal activity; and

(6) requirements to ensure that, subject to compliance with statistical laws and other relevant data protection requirements, the highest level security operations center of each agency has visibility into all agency logs.

(c) GUIDANCE.—Not later than 90 days after receiving the recommendations submitted under subsection (a), the Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the Attorney General, shall, as determined to be appropriate by the Director, update guidance to agencies regarding requirements for logging, log retention, log management, sharing of log data with other appropriate agencies, or any other logging activity determined to be appropriate by the Director.

SEC. 5143. CISA AGENCY ADVISORS.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall assign not less than 1 cybersecurity professional employed by the Cybersecurity and Infrastructure Security Agency to be the Cybersecurity and Infrastructure Security Agency advisor to the senior agency information security officer of each agency.

(b) QUALIFICATIONS.—Each advisor assigned under subsection (a) shall have knowledge of—

(1) cybersecurity threats facing agencies, including any specific threats to the assigned agency;

(2) performing risk assessments of agency systems; and

(3) other Federal cybersecurity initiatives.

(c) DUTIES.—The duties of each advisor assigned under subsection (a) shall include—

(1) providing ongoing assistance and advice, as requested, to the agency Chief Information Officer;

(2) serving as an incident response point of contact between the assigned agency and the Cybersecurity and Infrastructure Security Agency; and

(3) familiarizing themselves with agency systems, processes, and procedures to better facilitate support to the agency in responding to incidents.

(d) LIMITATION.—An advisor assigned under subsection (a) shall not be a contractor.

(e) MULTIPLE ASSIGNMENTS.—One individual advisor may be assigned to multiple agency Chief Information Officers under subsection (a).

SEC. 5144. FEDERAL PENETRATION TESTING POLICY.

(a) IN GENERAL.—Subchapter II of chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''§ 3559A. Federal penetration testing

''(a) DEFINITIONS.—In this section:

''(1) AGENCY OPERATIONAL PLAN.—The term 'agency operational plan' means a plan of an agency for the use of penetration testing.

''(2) RULES OF ENGAGEMENT.—The term 'rules of engagement' means a set of rules established by an agency for the use of penetration testing.

''(b) GUIDANCE.—

''(1) IN GENERAL.—The Director shall issue guidance that—

''(A) requires agencies to use, when and where appropriate, penetration testing on agency systems; and

''(B) requires agencies to develop an agency operational plan and rules of engagement that meet the requirements under subsection (c).

''(2) PENETRATION TESTING GUIDANCE.—The guidance issued under this section shall—

''(A) permit an agency to use, for the purpose of performing penetration testing—

''(i) a shared service of the agency or another agency; or

''(ii) an external entity, such as a vendor; and

''(B) require agencies to provide the rules of engagement and results of penetration testing to the Director and the Director of the Cybersecurity and Infrastructure Security Agency, without regard to the status of the entity that performs the penetration testing.

''(c) AGENCY PLANS AND RULES OF ENGAGEMENT.—The agency operational plan and rules of engagement of an agency shall—

''(1) require the agency to—

''(A) perform penetration testing on the high value assets of the agency; or

''(B) coordinate with the Director of the Cybersecurity and Infrastructure Security Agency to ensure that penetration testing is being performed;

''(2) establish guidelines for avoiding, as a result of penetration testing—

''(A) adverse impacts to the operations of the agency;

''(B) adverse impacts to operational environments and systems of the agency; and

''(C) inappropriate access to data;

''(3) require the results of penetration testing to include feedback to improve the cybersecurity of the agency; and

''(4) include mechanisms for providing consistently formatted, and, if applicable, automated and machine-readable, data to the Director and the Director of the Cybersecurity and Infrastructure Security Agency.

''(d) RESPONSIBILITIES OF CISA.—The Director of the Cybersecurity and Infrastructure Security Agency shall—

''(1) establish a process to assess the performance of penetration testing by both Federal and non-Federal entities that establishes minimum quality controls for penetration testing;

''(2) develop operational guidance for instituting penetration testing programs at agencies;

''(3) develop and maintain a centralized capability to offer penetration testing as a service to Federal and non-Federal entities; and

''(4) provide guidance to agencies on the best use of penetration testing resources.

''(e) RESPONSIBILITIES OF OMB.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall—

''(1) not less frequently than annually, inventory all Federal penetration testing assets; and

''(2) develop and maintain a standardized process for the use of penetration testing.

''(f) PRIORITIZATION OF PENETRATION TESTING RESOURCES.—

''(1) IN GENERAL.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall develop a framework for prioritizing Federal penetration testing resources among agencies.

''(2) CONSIDERATIONS.—In developing the framework under this subsection, the Director shall consider—

''(A) agency system risk assessments performed under section 3554(a)(1)(A);

''(B) the Federal risk assessment performed under section 3553(i);

''(C) the analysis of Federal incident data performed under section 3597; and

''(D) any other information determined appropriate by the Director or the Director of the Cybersecurity and Infrastructure Security Agency.

''(g) EXCEPTION FOR NATIONAL SECURITY SYSTEMS.—The guidance issued under subsection (b) shall not apply to national security systems.

''(h) DELEGATION OF AUTHORITY FOR CERTAIN SYSTEMS.—The authorities of the Director described in subsection (b) shall be delegated—

''(1) to the Secretary of Defense in the case of systems described in section 3553(e)(2); and

''(2) to the Director of National Intelligence in the case of systems described in 3553(e)(3).''.

(b) DEADLINE FOR GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Director shall issue the guidance required under section 3559A(b) of title 44, United States Code, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding after the item relating to section 3559 the following:

''3559A. Federal penetration testing.''.

(d) PENETRATION TESTING BY THE SECRETARY OF HOMELAND SECURITY.—Section 3553(b) of title 44, United States Code, as amended by section 5121, is further amended—

(1) in paragraph (8)(B), by striking ''and'' at the end;

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following:

''(9) performing penetration testing with or without advance notice to, or authorization from, agencies, to identify vulnerabilities within Federal information systems; and''.

SEC. 5145. ONGOING THREAT HUNTING PROGRAM.

(a) THREAT HUNTING PROGRAM.—

(1) IN GENERAL.—Not later than 540 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall establish a program to provide ongoing, hypothesis-driven threat-hunting services on the network of each agency.

(2) PLAN.—Not later than 180 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall develop a plan to establish the program required under paragraph (1) that describes how the Director of the Cybersecurity and Infrastructure Security Agency plans to—

(A) determine the method for collecting, storing, accessing, and analyzing appropriate agency data;

(B) provide on-premises support to agencies;

(C) staff threat hunting services;

(D) allocate available human and financial resources to implement the plan; and

(E) provide input to the heads of agencies on the use of—

(i) more stringent standards under section 11331(c)(1) of title 40, United States Code; and

(ii) additional cybersecurity procedures under section 3554 of title 44, United States Code.

(b) REPORTS.—The Director of the Cybersecurity and Infrastructure Security Agency shall submit to the appropriate congressional committees—

(1) not later than 30 days after the date on which the Director of the Cybersecurity and Infrastructure Security Agency completes the plan required under subsection (a)(2), a report on the plan to provide threat hunting services to agencies;

(2) not less than 30 days before the date on which the Director of the Cybersecurity and Infrastructure Security Agency begins providing threat hunting services under the program under subsection (a)(1), a report providing any updates to the plan developed under subsection (a)(2); and

(3) not later than 1 year after the date on which the Director of the Cybersecurity and Infrastructure Security Agency begins providing threat hunting services to agencies other than the Cybersecurity and Infrastructure Security Agency, a report describing lessons learned from providing those services.

SEC. 5146. CODIFYING VULNERABILITY DISCLOSURE PROGRAMS.

(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by inserting after section 3559A, as added by section 5144 of this division, the following:

''§ 3559B. Federal vulnerability disclosure programs

''(a) DEFINITIONS.—In this section:

''(1) REPORT.—The term 'report' means a vulnerability disclosure made to an agency by a reporter.

''(2) REPORTER.—The term 'reporter' means an individual that submits a vulnerability report pursuant to the vulnerability disclosure process of an agency.

''(b) RESPONSIBILITIES OF OMB.—

''(1) LIMITATION ON LEGAL ACTION.—The Director, in consultation with the Attorney General, shall issue guidance to agencies to not recommend or pursue legal action against a reporter or an individual that conducts a security research activity that the head of the agency determines—

''(A) represents a good faith effort to follow the vulnerability disclosure policy of the agency developed under subsection (d)(2); and

''(B) is authorized under the vulnerability disclosure policy of the agency developed under subsection (d)(2).

''(2) SHARING INFORMATION WITH CISA.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and in consultation with the National Cyber Director, shall issue guidance to agencies on sharing relevant information in a consistent, automated, and machine readable manner with the Cybersecurity and Infrastructure Security Agency, including—

''(A) any valid or credible reports of newly discovered or not publicly known vulnerabilities (including misconfigurations) on Federal information systems that use commercial software or services;

''(B) information relating to vulnerability disclosure, coordination, or remediation activities of an agency, particularly as those activities relate to outside organizations—

''(i) with which the head of the agency believes the Director of the Cybersecurity and Infrastructure Security Agency can assist; or

''(ii) about which the head of the agency believes the Director of the Cybersecurity and Infrastructure Security Agency should know; and

''(C) any other information with respect to which the head of the agency determines helpful or necessary to involve the Cybersecurity and Infrastructure Security Agency.

''(3) AGENCY VULNERABILITY DISCLOSURE POLICIES.—The Director shall issue guidance to agencies on the required minimum scope of agency systems covered by the vulnerability disclosure policy of an agency required under subsection (d)(2).

''(c) RESPONSIBILITIES OF CISA.—The Director of the Cybersecurity and Infrastructure Security Agency shall—

''(1) provide support to agencies with respect to the implementation of the requirements of this section;

''(2) develop tools, processes, and other mechanisms determined appropriate to offer agencies capabilities to implement the requirements of this section; and

''(3) upon a request by an agency, assist the agency in the disclosure to vendors of newly identified vulnerabilities in vendor products and services.

''(d) RESPONSIBILITIES OF AGENCIES.—

''(1) PUBLIC INFORMATION.—The head of each agency shall make publicly available, with respect to each internet domain under the control of the agency that is not a national security system—

''(A) an appropriate security contact; and

''(B) the component of the agency that is responsible for the internet accessible services offered at the domain.

''(2) VULNERABILITY DISCLOSURE POLICY.—The head of each agency shall develop and make publicly available a vulnerability disclosure policy for the agency, which shall—

''(A) describe—

''(i) the scope of the systems of the agency included in the vulnerability disclosure policy;

''(ii) the type of information system testing that is authorized by the agency;

''(iii) the type of information system testing that is not authorized by the agency; and

''(iv) the disclosure policy of the agency for sensitive information;

''(B) with respect to a report to an agency, describe—

''(i) how the reporter should submit the report; and

''(ii) if the report is not anonymous, when the reporter should anticipate an acknowledgment of receipt of the report by the agency;

''(C) include any other relevant information; and

''(D) be mature in scope, to cover all Federal information systems used or operated by that agency or on behalf of that agency.

''(3) IDENTIFIED VULNERABILITIES.—The head of each agency shall incorporate any vulnerabilities reported under paragraph (2) into the vulnerability management process of the agency in order to track and remediate the vulnerability.

''(e) PAPERWORK REDUCTION ACT EXEMPTION.—The requirements of subchapter I (commonly known as the 'Paperwork Reduction Act') shall not apply to a vulnerability disclosure program established under this section.

''(f) CONGRESSIONAL REPORTING.—Not later than 90 days after the date of enactment of the Federal Information Security Modernization Act of 2021, and annually thereafter for a 3-year period, the Director shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a briefing on the status of the use of vulnerability disclosure policies under this section at agencies, including, with respect to the guidance issued under subsection (b)(3), an identification of the agencies that are compliant and not compliant.

''(g) EXEMPTIONS.—The authorities and functions of the Director and Director of the Cybersecurity and Infrastructure Security Agency under this section shall not apply to national security systems.

''(h) DELEGATION OF AUTHORITY FOR CERTAIN SYSTEMS.—The authorities of the Director and the Director of the Cybersecurity and Infrastructure Security Agency described in this section shall be delegated—

''(1) to the Secretary of Defense in the case of systems described in section 3553(e)(2); and

''(2) to the Director of National Intelligence in the case of systems described in section 3553(e)(3).''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding after the item relating to section 3559A, as added by section 204, the following:

''3559B. Federal vulnerability disclosure programs.''.

SEC. 5147. IMPLEMENTING PRESUMPTION OF COMPROMISE AND LEAST PRIVILEGE PRINCIPLES.

(a) GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Director shall provide an update to the appropriate congressional committees on progress in increasing the internal defenses of agency systems, including—

(1) shifting away from ''trusted networks'' to implement security controls based on a presumption of compromise;

(2) implementing principles of least privilege in administering information security programs;

(3) limiting the ability of entities that cause incidents to move laterally through or between agency systems;

(4) identifying incidents quickly;

(5) isolating and removing unauthorized entities from agency systems quickly;

(6) otherwise increasing the resource costs for entities that cause incidents to be successful; and

(7) a summary of the agency progress reports required under subsection (b).

(b) AGENCY PROGRESS REPORTS.—Not later than 1 year after the date of enactment of this Act, the head of each agency shall submit to the Director a progress report on implementing an information security program based on the presumption of compromise and least privilege principles, which shall include—

(1) a description of any steps the agency has completed, including progress toward achieving requirements issued by the Director;

(2) an identification of activities that have not yet been completed and that would have the most immediate security impact; and

(3) a schedule to implement any planned activities.

SEC. 5148. AUTOMATION REPORTS.

(a) OMB REPORT.—Not later than 180 days after the date of enactment of this Act, the Director shall submit to the appropriate congressional committees a report on the use of automation under paragraphs (1), (5)(C) and (8)(B) of section 3554(b) of title 44, United States Code.

(b) GAO REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall perform a study on the use of automation and machine readable data across the Federal Government for cybersecurity purposes, including the automated updating of cybersecurity tools, sensors, or processes by agencies.

SEC. 5149. EXTENSION OF FEDERAL ACQUISITION SECURITY COUNCIL.

Section 1328 of title 41, United States Code, is amended by striking ''the date that'' and all that follows and inserting ''December 31, 2026.''.

SEC. 5150. COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY DASHBOARD.

(a) DASHBOARD REQUIRED.—Section 11(e)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

''(B) that shall include a dashboard of open information security recommendations identified in the independent evaluations required by section 3555(a) of title 44, United States Code; and''.

SEC. 5151. QUANTITATIVE CYBERSECURITY METRICS.

(a) DEFINITION OF COVERED METRICS.—In this section, the term ''covered metrics'' means the metrics established, reviewed, and updated under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)).

(b) UPDATING AND ESTABLISHING METRICS.—Not later than 1 year after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency, in coordination with the Director, shall—

(1) evaluate any covered metrics established as of the date of enactment of this Act; and

(2) as appropriate and pursuant to section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c))—

(A) update the covered metrics; and

(B) establish new covered metrics.

(c) IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 540 days after the date of enactment of this Act, the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall promulgate guidance that requires each agency to use covered metrics to track trends in the cybersecurity and incident response capabilities of the agency.

(2) PERFORMANCE DEMONSTRATION.—The guidance issued under paragraph (1) and any subsequent guidance shall require agencies to share with the Director of the Cybersecurity and Infrastructure Security Agency data demonstrating the performance of the agency using the covered metrics included in the guidance.

(3) PENETRATION TESTS.—On not less than 2 occasions during the 2-year period following the date on which guidance is promulgated under paragraph (1), the Director shall ensure that not less than 3 agencies are subjected to substantially similar penetration tests, as determined by the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, in order to validate the utility of the covered metrics.

(4) ANALYSIS CAPACITY.—The Director of the Cybersecurity and Infrastructure Security Agency shall develop a capability that allows for the analysis of the covered metrics, including cross-agency performance of agency cybersecurity and incident response capability trends.

(d) CONGRESSIONAL REPORTS.—

(1) UTILITY OF METRICS.—Not later than 1 year after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall submit to the appropriate congressional committees a report on the utility of the covered metrics.

(2) USE OF METRICS.—Not later than 180 days after the date on which the Director promulgates guidance under subsection (c)(1), the Director shall submit to the appropriate congressional committees a report on the results of the use of the covered metrics by agencies.

(e) CYBERSECURITY ACT OF 2015 UPDATES.—Section 224 of the Cybersecurity Act of 2015 (6 U.S.C. 1522) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) IMPROVED METRICS.—

''(1) IN GENERAL.—The Director of the Cybersecurity and Infrastructure Security Agency, in coordination with the Director, shall establish, review, and update metrics to measure the cybersecurity and incident response capabilities of agencies in accordance with the responsibilities of agencies under section 3554 of title 44, United States Code.

''(2) QUALITIES.—With respect to the metrics established, reviewed, and updated under paragraph (1)—

''(A) not less than 2 of the metrics shall be time-based, such as a metric of—

''(i) the amount of time it takes for an agency to detect an incident; and

''(ii) the amount of time that passes between—

''(I) the detection of an incident and the remediation of the incident; and

''(II) the remediation of an incident and the recovery from the incident; and

''(B) the metrics may include other measurable outcomes.'';

(2) by striking subsection (e); and

(3) by redesignating subsection (f) as subsection (e).

TITLE LIII—RISK-BASED BUDGET MODEL

SEC. 5161. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate; and

(B) the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives.

(2) COVERED AGENCY.—The term ''covered agency'' has the meaning given the term ''executive agency'' in section 133 of title 41, United States Code.

(3) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(4) INFORMATION TECHNOLOGY.—The term ''information technology''—

(A) has the meaning given the term in section 11101 of title 40, United States Code; and

(B) includes the hardware and software systems of a Federal agency that monitor and control physical equipment and processes of the Federal agency.

(5) RISK-BASED BUDGET.—The term ''risk-based budget'' means a budget—

(A) developed by identifying and prioritizing cybersecurity risks and vulnerabilities, including impact on agency operations in the case of a cyber attack, through analysis of cyber threat intelligence, incident data, and tactics, techniques, procedures, and capabilities of cyber threats; and

(B) that allocates resources based on the risks identified and prioritized under subparagraph (A).

SEC. 5162. ESTABLISHMENT OF RISK-BASED BUDGET MODEL.

(a) IN GENERAL.—

(1) MODEL.—Not later than 1 year after the first publication of the budget submitted by the President under section 1105 of title 31, United States Code, following the date of enactment of this Act, the Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director and in coordination with the Director of the National Institute of Standards and Technology, shall develop a standard model for creating a risk-based budget for cybersecurity spending.

(2) RESPONSIBILITY OF DIRECTOR.—Section 3553(a) of title 44, United States Code, as amended by section 5121 of this division, is further amended by inserting after paragraph (6) the following:

''(7) developing a standard risk-based budget model to inform Federal agency cybersecurity budget development; and''.

(3) CONTENTS OF MODEL.—The model required to be developed under paragraph (1) shall—

(A) consider Federal and non-Federal cyber threat intelligence products, where available, to identify threats, vulnerabilities, and risks;

(B) consider the impact of agency operations of compromise of systems, including the interconnectivity to other agency systems and the operations of other agencies;

(C) indicate where resources should be allocated to have the greatest impact on mitigating current and future threats and current and future cybersecurity capabilities;

(D) be used to inform acquisition and sustainment of—

(i) information technology and cybersecurity tools;

(ii) information technology and cybersecurity architectures;

(iii) information technology and cybersecurity personnel; and

(iv) cybersecurity and information technology concepts of operations; and

(E) be used to evaluate and inform Government-wide cybersecurity programs of the Department of Homeland Security.

(4) REQUIRED UPDATES.—Not less frequently than once every 3 years, the Director shall review, and update as necessary, the model required to be developed under this subsection.

(5) PUBLICATION.—The Director shall publish the model required to be developed under this subsection, and any updates necessary under paragraph (4), on the public website of the Office of Management and Budget.

(6) REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for each of the 2 following fiscal years or until the date on which the model required to be developed under this subsection is completed, whichever is sooner, the Director shall submit a report to Congress on the development of the model.

(b) REQUIRED USE OF RISK-BASED BUDGET MODEL.—

(1) IN GENERAL.—Not later than 2 years after the date on which the model developed under subsection (a) is published, the head of each covered agency shall use the model to develop the annual cybersecurity and information technology budget requests of the agency.

(2) AGENCY PERFORMANCE PLANS.—Section 3554(d)(2) of title 44, United States Code, is amended by inserting ''and the risk-based budget model required under section 3553(a)(7)'' after ''paragraph (1)''.

(c) VERIFICATION.—

(1) IN GENERAL.—Section 1105(a)(35)(A)(i) of title 31, United States Code, is amended—

(A) in the matter preceding subclause (I), by striking ''by agency, and by initiative area (as determined by the administration)'' and inserting ''and by agency'';

(B) in subclause (III), by striking ''and'' at the end; and

(C) by adding at the end the following:

''(V) a validation that the budgets submitted were developed using a risk-based methodology; and

''(VI) a report on the progress of each agency on closing recommendations identified under the independent evaluation required by section 3555(a)(1) of title 44.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date that is 2 years after the date on which the model developed under subsection (a) is published.

(d) REPORTS.—

(1) INDEPENDENT EVALUATION.—Section 3555(a)(2) of title 44, United States Code, is amended—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(D) an assessment of how the agency implemented the risk-based budget model required under section 3553(a)(7) and an evaluation of whether the model mitigates agency cyber vulnerabilities.''.

(2) ASSESSMENT.—Section 3553(c) of title 44, United States Code, as amended by section 5121, is further amended by inserting after paragraph (5) the following:

''(6) an assessment of—

''(A) Federal agency implementation of the model required under subsection (a)(7);

''(B) how cyber vulnerabilities of Federal agencies changed from the previous year; and

''(C) whether the model mitigates the cyber vulnerabilities of the Federal Government.''.

(e) GAO REPORT.—Not later than 3 years after the date on which the first budget of the President is submitted to Congress containing the validation required under section 1105(a)(35)(A)(i)(V) of title 31, United States Code, as amended by subsection (c), the Comptroller General of the United States shall submit to the appropriate congressional committees a report that includes—

(1) an evaluation of the success of covered agencies in developing risk-based budgets;

(2) an evaluation of the success of covered agencies in implementing risk-based budgets;

(3) an evaluation of whether the risk-based budgets developed by covered agencies mitigate cyber vulnerability, including the extent to which the risk-based budgets inform Federal Government-wide cybersecurity programs; and

(4) any other information relating to risk-based budgets the Comptroller General determines appropriate.

TITLE LIV—PILOT PROGRAMS TO ENHANCE FEDERAL CYBERSECURITY

SEC. 5181. ACTIVE CYBER DEFENSIVE STUDY.

(a) DEFINITION.—In this section, the term ''active defense technique''—

(1) means an action taken on the systems of an entity to increase the security of information on the network of an agency by misleading an adversary; and

(2) includes a honeypot, deception, or purposefully feeding false or misleading data to an adversary when the adversary is on the systems of the entity.

(b) STUDY.—Not later than 180 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency, in coordination with the Director, shall perform a study on the use of active defense techniques to enhance the security of agencies, which shall include—

(1) a review of legal restrictions on the use of different active cyber defense techniques in Federal environments, in consultation with the Department of Justice;

(2) an evaluation of—

(A) the efficacy of a selection of active defense techniques determined by the Director of the Cybersecurity and Infrastructure Security Agency; and

(B) factors that impact the efficacy of the active defense techniques evaluated under subparagraph (A);

(3) recommendations on safeguards and procedures that shall be established to require that active defense techniques are adequately coordinated to ensure that active defense techniques do not impede threat response efforts, criminal investigations, and national security activities, including intelligence collection; and

(4) the development of a framework for the use of different active defense techniques by agencies.

SEC. 5182. SECURITY OPERATIONS CENTER AS A SERVICE PILOT.

(a) PURPOSE.—The purpose of this section is for the Cybersecurity and Infrastructure Security Agency to run a security operation center on behalf of another agency, alleviating the need to duplicate this function at every agency, and empowering a greater centralized cybersecurity capability.

(b) PLAN.—Not later than 1 year after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall develop a plan to establish a centralized Federal security operations center shared service offering within the Cybersecurity and Infrastructure Security Agency.

(c) CONTENTS.—The plan required under subsection (b) shall include considerations for—

(1) collecting, organizing, and analyzing agency information system data in real time;

(2) staffing and resources; and

(3) appropriate interagency agreements, concepts of operations, and governance plans.

(d) PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date on which the plan required

under subsection (b) is developed, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director, shall enter into a 1-year agreement with not less than 2 agencies to offer a security operations center as a shared service.

(2) ADDITIONAL AGREEMENTS.—After the date on which the briefing required under subsection (e)(1) is provided, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director, may enter into additional 1-year agreements described in paragraph (1) with agencies.

(e) BRIEFING AND REPORT.—

(1) BRIEFING.—Not later than 260 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Oversight and Reform of the House of Representatives a briefing on the parameters of any 1-year agreements entered into under subsection (d)(1).

(2) REPORT.—Not later than 90 days after the date on which the first 1-year agreement entered into under subsection (d) expires, the Director of the Cybersecurity and Infrastructure Security Agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Oversight and Reform of the House of Representatives a report on—

(A) the agreement; and

(B) any additional agreements entered into with agencies under subsection (d).

DIVISION F—CYBER INCIDENT REPORTING ACT OF 2021 AND CISA TECHNICAL CORRECTIONS AND IMPROVEMENTS ACT OF 2021

TITLE LXI—CYBER INCIDENT REPORTING ACT OF 2021

SEC. 6101. SHORT TITLE.

This title may be cited as the ''Cyber Incident Reporting Act of 2021''.

SEC. 6102. DEFINITIONS.

In this title:

(1) COVERED CYBER INCIDENT; COVERED ENTITY; CYBER INCIDENT.—The terms ''covered cyber incident'', ''covered entity'', and ''cyber incident'' have the meanings given those terms in section 2230 of the Homeland Security Act of 2002, as added by section 6103 of this title.

(2) DIRECTOR.—The term ''Director'' means the Director of the Cybersecurity and Infrastructure Security Agency.

(3) INFORMATION SYSTEM; RANSOM PAYMENT; RANSOMWARE ATTACK; SECURITY VULNERABILITY.—The terms ''information system'', ''ransom payment'', ''ransomware attack'', and ''security vulnerability'' have the meanings given those terms in section 2200 of the Homeland Security Act of 2002, as added by section 6203 of this division.

SEC. 6103. CYBER INCIDENT REPORTING.

(a) CYBER INCIDENT REPORTING.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended—

(1) in section 2209(b) (6 U.S.C. 659(b)), as so redesignated by section 6203(b) of this division—

(A) in paragraph (11), by striking ''and'' at the end;

(B) in paragraph (12), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(13) receiving, aggregating, and analyzing reports related to covered cyber incidents (as defined in section 2230) submitted by covered entities (as defined in section 2230) and reports related to ransom payments submitted by entities in furtherance of the activities specified in sections 2202(e), 2203, and 2231, this subsection, and any other authorized activity of the Director, to enhance the situational awareness of cybersecurity threats across critical infrastructure sectors.''; and

(2) by adding at the end the following:

''Subtitle C—Cyber Incident Reporting

''SEC. 2230. DEFINITIONS.

''In this subtitle:

''(1) CENTER.—The term 'Center' means the center established under section 2209.

''(2) COUNCIL.—The term 'Council' means the Cyber Incident Reporting Council described in section 1752(c)(1)(H) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 1500(c)(1)(H)).

''(3) COVERED CYBER INCIDENT.—The term 'covered cyber incident' means a substantial cyber incident experienced by a covered entity that satisfies the definition and criteria established by the Director in the final rule issued pursuant to section 2232(b).

''(4) COVERED ENTITY.—The term 'covered entity' means—

''(A) any Federal contractor; or

''(B) an entity that owns or operates critical infrastructure that satisfies the definition established by the Director in the final rule issued pursuant to section 2232(b).

''(5) CYBER INCIDENT.—The term 'cyber incident' has the meaning given the term 'incident' in section 2200.

''(6) CYBER THREAT.—The term 'cyber threat'—

''(A) has the meaning given the term 'cybersecurity threat' in section 2200; and

''(B) does not include any activity related to good faith security research, including participation in a bug-bounty program or a vulnerability disclosure program.

''(7) FEDERAL CONTRACTOR.—The term 'Federal contractor' means a business, nonprofit organization, or other private sector entity that holds a Federal Government contract or subcontract at any tier, grant, cooperative agreement, or other transaction agreement, unless that entity is a party only to—

''(A) a service contract to provide housekeeping or custodial services; or

''(B) a contract to provide products or services unrelated to information technology that is below the micro-purchase threshold, as defined in section 2.101 of title 48, Code of Federal Regulations, or any successor regulation.

''(8) FEDERAL ENTITY; INFORMATION SYSTEM; SECURITY CONTROL.—The terms 'Federal entity', 'information system', and 'security control' have the meanings given those terms in section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501).

''(9) SIGNIFICANT CYBER INCIDENT.—The term 'significant cyber incident' means a cybersecurity incident, or a group of related cybersecurity incidents, that the Secretary determines is likely to result in demonstrable harm to the national security interests, foreign relations, or economy of the United States or to the public confidence, civil liberties, or public health and safety of the people of the United States.

''(10) SMALL ORGANIZATION.—The term 'small organization'—

''(A) means—

''(i) a small business concern, as defined in section 3 of the Small Business Act (15 U.S.C. 632); or

''(ii) any nonprofit organization, including faith-based organizations and houses of worship, or other private sector entity with fewer than 200 employees (determined on a full-time equivalent basis); and

''(B) does not include—

''(i) a business, nonprofit organization, or other private sector entity that is a covered entity; or

''(ii) a Federal contractor.

''SEC. 2231. CYBER INCIDENT REVIEW.

''(a) ACTIVITIES.—The Center shall—

''(1) receive, aggregate, analyze, and secure, using processes consistent with the processes developed pursuant to the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501 et seq.) reports from covered entities related to a covered cyber incident to assess the effectiveness of security controls, identify tactics, techniques, and procedures adversaries use to overcome those controls and other cybersecurity purposes, including to support law enforcement investigations, to assess potential impact of incidents on public health and safety, and to have a more accurate picture of the cyber threat to critical infrastructure and the people of the United States;

''(2) receive, aggregate, analyze, and secure reports to lead the identification of tactics, techniques, and procedures used to perpetuate cyber incidents and ransomware attacks;

''(3) coordinate and share information with appropriate Federal departments and agencies to identify and track ransom payments, including those utilizing virtual currencies;

''(4) leverage information gathered about cybersecurity incidents to—

''(A) enhance the quality and effectiveness of information sharing and coordination efforts with appropriate entities, including agencies, sector coordinating councils, information sharing and analysis organizations, technology providers, critical infrastructure owners and operators, cybersecurity and incident response firms, and security researchers; and

''(B) provide appropriate entities, including agencies, sector coordinating councils, information sharing and analysis organizations, technology providers, cybersecurity and incident response firms, and security researchers, with timely, actionable, and anonymized reports of cyber incident campaigns and trends, including, to the maximum extent practicable, related contextual information, cyber threat indicators, and defensive measures, pursuant to section 2235;

''(5) establish mechanisms to receive feedback from stakeholders on how the Agency can most effectively receive covered cyber incident reports, ransom payment reports, and other voluntarily provided information;

''(6) facilitate the timely sharing, on a voluntary basis, between relevant critical infrastructure owners and operators of information relating to covered cyber incidents and ransom payments, particularly with respect to ongoing cyber threats or security vulnerabilities and identify and disseminate ways to prevent or mitigate similar incidents in the future;

''(7) for a covered cyber incident, including a ransomware attack, that also satisfies the definition of a significant cyber incident, or is part of a group of related cyber incidents that together satisfy such definition, conduct a review of the details surrounding the covered cyber incident or group of those incidents and identify and disseminate ways to prevent or mitigate similar incidents in the future;

''(8) with respect to covered cyber incident reports under section 2232(a) and 2233 involving an ongoing cyber threat or security vulnerability, immediately review those reports for cyber threat indicators that can be anonymized and disseminated, with defensive measures, to appropriate stakeholders, in coordination with other divisions within the Agency, as appropriate;

''(9) publish quarterly unclassified, public reports that may be based on the unclassified information contained in the briefings required under subsection (c);

''(10) proactively identify opportunities and perform analyses, consistent with the protections in section 2235, to leverage and utilize data on ransomware attacks to support law enforcement operations to identify, track, and seize ransom payments utilizing virtual currencies, to the greatest extent practicable;

''(11) proactively identify opportunities, consistent with the protections in section 2235, to leverage and utilize data on cyber incidents in a manner that enables and strengthens cybersecurity research carried out by academic institutions and other private sector organizations, to the greatest extent practicable;

''(12) on a not less frequently than annual basis, analyze public disclosures made pursuant to parts 229 and 249 of title 17, Code of Federal Regulations, or any subsequent document submitted to the Securities and Exchange Commission by entities experiencing cyber incidents and compare such disclosures to reports received by the Center; and

''(13) in accordance with section 2235 and subsection (b) of this section, as soon as possible but not later than 24 hours after receiving a covered cyber incident report, ransom payment report, voluntarily submitted information pursuant to section 2233, or information received pursuant to a request for information or subpoena under section 2234, make available the information to appropriate Sector Risk Management Agencies and other appropriate Federal agencies.

''(b) INTERAGENCY SHARING.—The National Cyber Director, in consultation with the Director and the Director of the Office of Management and Budget—

''(1) may establish a specific time requirement for sharing information under subsection (a)(13); and

''(2) shall determine the appropriate Federal agencies under subsection (a)(13).

''(c) PERIODIC BRIEFING.—Not later than 60 days after the effective date of the final rule required under section 2232(b), and on the first day of each month thereafter, the Director, in consultation with the National Cyber Director, the Attorney General, and the Director of National Intelligence, shall provide to the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, the minority leader of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a briefing that characterizes the national cyber threat landscape, including the threat facing Federal agencies and covered entities, and applicable intelligence and law enforcement information, covered cyber incidents, and ransomware attacks, as of the date of the briefing, which shall—

''(1) include the total number of reports submitted under sections 2232 and 2233 during the preceding month, including a breakdown of required and voluntary reports;

''(2) include any identified trends in covered cyber incidents and ransomware attacks over the course of the preceding month and as compared to previous reports, including any trends related to the information collected in the reports submitted under sections 2232 and 2233, including—

''(A) the infrastructure, tactics, and techniques malicious cyber actors commonly use; and

''(B) intelligence gaps that have impeded, or currently are impeding, the ability to counter covered cyber incidents and ransomware threats;

''(3) include a summary of the known uses of the information in reports submitted under sections 2232 and 2233; and

''(4) be unclassified, but may include a classified annex.

''SEC. 2232. REQUIRED REPORTING OF CERTAIN CYBER INCIDENTS.

''(a) IN GENERAL.—

''(1) COVERED CYBER INCIDENT REPORTS.—A covered entity that is a victim of a covered cyber incident shall report the covered cyber incident to the Director not later than 72 hours after the covered entity reasonably believes that the covered cyber incident has occurred.

''(2) RANSOM PAYMENT REPORTS.—An entity, including a covered entity and except for an individual or a small organization, that makes a ransom payment as the result of a ransomware attack against the entity shall report the payment to the Director not later than 24 hours after the ransom payment has been made.

''(3) SUPPLEMENTAL REPORTS.—A covered entity shall promptly submit to the Director an update or supplement to a previously submitted covered cyber incident report if new or different information becomes available or if the covered entity makes a ransom payment after submitting a covered cyber incident report required under paragraph (1).

''(4) PRESERVATION OF INFORMATION.—Any entity subject to requirements of paragraph (1), (2), or (3) shall preserve data relevant to the covered cyber incident or ransom payment in accordance with procedures established in the final rule issued pursuant to subsection (b).

''(5) EXCEPTIONS.—

''(A) REPORTING OF COVERED CYBER INCIDENT WITH RANSOM PAYMENT.—If a covered cyber incident includes a ransom payment such that the reporting requirements under paragraphs (1) and (2) apply, the covered entity may submit a single report to satisfy the requirements of both paragraphs in accordance with procedures established in the final rule issued pursuant to subsection (b).

''(B) SUBSTANTIALLY SIMILAR REPORTED INFORMATION.—The requirements under paragraphs (1), (2), and (3) shall not apply to an entity required by law, regulation, or contract to report substantially similar information to another Federal agency within a substantially similar timeframe.

''(C) DOMAIN NAME SYSTEM.—The requirements under paragraphs (1), (2) and (3) shall not apply to an entity or the functions of an entity that the Director determines constitute critical infrastructure owned, operated, or governed by multi-stakeholder organizations that develop, implement, and enforce policies concerning the Domain Name System, such as the Internet Corporation for Assigned Names and Numbers or the Internet Assigned Numbers Authority.

''(6) MANNER, TIMING, AND FORM OF REPORTS.—Reports made under paragraphs (1), (2), and (3) shall be made in the manner and form, and within the time period in the case of reports made under paragraph (3), prescribed in the final rule issued pursuant to subsection (b).

''(7) EFFECTIVE DATE.—Paragraphs (1) through (4) shall take effect on the dates prescribed in the final rule issued pursuant to subsection (b).

''(b) RULEMAKING.—

''(1) NOTICE OF PROPOSED RULEMAKING.—Not later than 2 years after the date of enactment of this section, the Director, in consultation with Sector Risk Management Agencies, the Department of Justice, and other Federal agencies, shall publish in the Federal Register a notice of proposed rulemaking to implement subsection (a).

''(2) FINAL RULE.—Not later than 18 months after publication of the notice of proposed rulemaking under paragraph (1), the Director shall issue a final rule to implement subsection (a).

''(3) SUBSEQUENT RULEMAKINGS.—

''(A) IN GENERAL.—The Director is authorized to issue regulations to amend or revise the final rule issued pursuant to paragraph (2).

''(B) PROCEDURES.—Any subsequent rules issued under subparagraph (A) shall comply with the requirements under chapter 5 of title 5, United States Code, including the issuance of a notice of proposed rulemaking under section 553 of such title.

''(c) ELEMENTS.—The final rule issued pursuant to subsection (b) shall be composed of the following elements:

''(1) A clear description of the types of entities that constitute covered entities, based on—

''(A) the consequences that disruption to or compromise of such an entity could cause to national security, economic security, or public health and safety;

''(B) the likelihood that such an entity may be targeted by a malicious cyber actor, including a foreign country; and

''(C) the extent to which damage, disruption, or unauthorized access to such an entity, including the accessing of sensitive cybersecurity vulnerability information or penetration testing tools or techniques, will likely enable the disruption of the reliable operation of critical infrastructure.

''(2) A clear description of the types of substantial cyber incidents that constitute covered cyber incidents, which shall—

''(A) at a minimum, require the occurrence of—

''(i) the unauthorized access to an information system or network with a substantial loss of confidentiality, integrity, or availability of such information system or network, or a serious impact on the safety and resiliency of operational systems and processes;

''(ii) a disruption of business or industrial operations due to a cyber incident; or

''(iii) an occurrence described in clause (i) or (ii) due to loss of service facilitated through, or caused by, a compromise of a cloud service provider, managed service provider, or other third-party data hosting provider or by a supply chain compromise;

''(B) consider—

''(i) the sophistication or novelty of the tactics used to perpetrate such an incident, as well as the type, volume, and sensitivity of the data at issue;

''(ii) the number of individuals directly or indirectly affected or potentially affected by such an incident; and

''(iii) potential impacts on industrial control systems, such as supervisory control and data acquisition systems, distributed control systems, and programmable logic controllers; and

''(C) exclude—

''(i) any event where the cyber incident is perpetuated by good faith security research or in response to an invitation by the owner or operator of the information system for third parties to find vulnerabilities in the information system, such as through a vulnerability disclosure program or the use of authorized penetration testing services; and

''(ii) the threat of disruption as extortion, as described in section 2201(9)(A).

''(3) A requirement that, if a covered cyber incident or a ransom payment occurs following an exempted threat described in paragraph (2)(C)(ii), the entity shall comply with the requirements in this subtitle in reporting the covered cyber incident or ransom payment.

''(4) A clear description of the specific required contents of a report pursuant to subsection (a)(1), which shall include the following information, to the extent applicable and available, with respect to a covered cyber incident:

''(A) A description of the covered cyber incident, including—

''(i) identification and a description of the function of the affected information systems, networks, or devices that were, or are reasonably believed to have been, affected by such incident;

''(ii) a description of the unauthorized access with substantial loss of confidentiality, integrity, or availability of the affected information system or network or disruption of business or industrial operations;

''(iii) the estimated date range of such incident; and

''(iv) the impact to the operations of the covered entity.

''(B) Where applicable, a description of the vulnerabilities, tactics, techniques, and procedures used to perpetuate the covered cyber incident.

''(C) Where applicable, any identifying or contact information related to each actor reasonably believed to be responsible for such incident.

''(D) Where applicable, identification of the category or categories of information that were, or are reasonably believed to have been, accessed or acquired by an unauthorized person.

''(E) The name and other information that clearly identifies the entity impacted by the covered cyber incident.

''(F) Contact information, such as telephone number or electronic mail address, that the Center may use to contact the covered entity or an authorized agent of such covered entity, or, where applicable, the service provider of such covered entity acting with the express permission of, and at the direction of, the covered entity to assist with compliance with the requirements of this subtitle.

''(5) A clear description of the specific required contents of a report pursuant to subsection (a)(2), which shall be the following information, to the extent applicable and available, with respect to a ransom payment:

''(A) A description of the ransomware attack, including the estimated date range of the attack.

''(B) Where applicable, a description of the vulnerabilities, tactics, techniques, and procedures used to perpetuate the ransomware attack.

''(C) Where applicable, any identifying or contact information related to the actor or actors reasonably believed to be responsible for the ransomware attack.

''(D) The name and other information that clearly identifies the entity that made the ransom payment.

''(E) Contact information, such as telephone number or electronic mail address, that the Center may use to contact the entity that made the ransom payment or an authorized agent of such covered entity, or, where applicable, the service provider of such covered entity acting with the express permission of, and at the direction of, that entity to assist with compliance with the requirements of this subtitle.

''(F) The date of the ransom payment.

''(G) The ransom payment demand, including the type of virtual currency or other commodity requested, if applicable.

''(H) The ransom payment instructions, including information regarding where to send the payment, such as the virtual currency address or physical address the funds were requested to be sent to, if applicable.

''(I) The amount of the ransom payment.

''(6) A clear description of the types of data required to be preserved pursuant to subsection (a)(4) and the period of time for which the data is required to be preserved.

''(7) Deadlines for submitting reports to the Director required under subsection (a)(3), which shall—

''(A) be established by the Director in consultation with the Council;

''(B) consider any existing regulatory reporting requirements similar in scope, purpose, and timing to the reporting requirements to which such a covered entity may also be subject, and make efforts to harmonize the timing and contents of any such reports to the maximum extent practicable; and

''(C) balance the need for situational awareness with the ability of the covered entity to conduct incident response and investigations.

''(8) Procedures for—

''(A) entities to submit reports required by paragraphs (1), (2), and (3) of subsection (a), including the manner and form thereof, which shall include, at a minimum, a concise, user-friendly web-based form;

''(B) the Agency to carry out the enforcement provisions of section 2233, including with respect to the issuance, service, withdrawal, and enforcement of subpoenas, appeals and due process procedures, the suspension and debarment provisions in section 2234(c), and other aspects of noncompliance;

''(C) implementing the exceptions provided in subsection (a)(5); and

''(D) protecting privacy and civil liberties consistent with processes adopted pursuant to section 105(b) of the Cybersecurity Act of 2015 (6 U.S.C. 1504(b)) and anonymizing and safeguarding, or no longer retaining, information received and disclosed through covered cyber incident reports and ransom payment reports that is known to be personal information of a specific individual or information that identifies a specific individual that is not directly related to a cybersecurity threat.

''(9) A clear description of the types of entities that constitute other private sector entities for purposes of section 2230(b)(7).

''(d) THIRD PARTY REPORT SUBMISSION AND RANSOM PAYMENT.—

''(1) REPORT SUBMISSION.—An entity, including a covered entity, that is required to submit a covered cyber incident report or a ransom payment report may use a third party, such as an incident response company, insurance provider, service provider, information sharing and analysis organization, or law firm, to submit the required report under subsection (a).

''(2) RANSOM PAYMENT.—If an entity impacted by a ransomware attack uses a third party to make a ransom payment, the third party shall not be required to submit a ransom payment report for itself under subsection (a)(2).

''(3) DUTY TO REPORT.—Third-party reporting under this subparagraph does not relieve a covered entity or an entity that makes a ransom payment from the duty to comply with the requirements for covered cyber incident report or ransom payment report submission.

''(4) RESPONSIBILITY TO ADVISE.—Any third party used by an entity that knowingly makes a ransom payment on behalf of an entity impacted by a ransomware attack shall advise the impacted entity of the responsibilities of the impacted entity regarding reporting ransom payments under this section.

''(e) OUTREACH TO COVERED ENTITIES.—

''(1) IN GENERAL.—The Director shall conduct an outreach and education campaign to inform likely covered entities, entities that offer or advertise as a service to customers to make or facilitate ransom payments on behalf of entities impacted by ransomware attacks, potential ransomware attack victims, and other appropriate entities of the requirements of paragraphs (1), (2), and (3) of subsection (a).

''(2) ELEMENTS.—The outreach and education campaign under paragraph (1) shall include the following:

''(A) An overview of the final rule issued pursuant to subsection (b).

''(B) An overview of mechanisms to submit to the Center covered cyber incident reports and information relating to the disclosure, retention, and use of incident reports under this section.

''(C) An overview of the protections afforded to covered entities for complying with the requirements under paragraphs (1), (2), and (3) of subsection (a).

''(D) An overview of the steps taken under section 2234 when a covered entity is not in compliance with the reporting requirements under subsection (a).

''(E) Specific outreach to cybersecurity vendors, incident response providers, cybersecurity insurance entities, and other entities that may support covered entities or ransomware attack victims.

''(F) An overview of the privacy and civil liberties requirements in this subtitle.

''(3) COORDINATION.—In conducting the outreach and education campaign required under paragraph (1), the Director may coordinate with—

''(A) the Critical Infrastructure Partnership Advisory Council established under section 871;

''(B) information sharing and analysis organizations;

''(C) trade associations;

''(D) information sharing and analysis centers;

''(E) sector coordinating councils; and

''(F) any other entity as determined appropriate by the Director.

''(f) ORGANIZATION OF REPORTS.—Notwithstanding chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act'), the Director may request information within the scope of the final rule issued under subsection (b) by the alteration of existing questions or response fields and the reorganization and reformatting of the means by which covered cyber incident reports, ransom payment reports, and any voluntarily offered information is submitted to the Center.

''SEC. 2233. VOLUNTARY REPORTING OF OTHER CYBER INCIDENTS.

''(a) IN GENERAL.—Entities may voluntarily report incidents or ransom payments to the Director that are not required under paragraph (1), (2), or (3) of section 2232(a), but may enhance the situational awareness of cyber threats.

''(b) VOLUNTARY PROVISION OF ADDITIONAL INFORMATION IN REQUIRED REPORTS.—Entities may voluntarily include in reports required under paragraph (1), (2), or (3) of section 2232(a) information that is not required to be included, but may enhance the situational awareness of cyber threats.

''(c) APPLICATION OF PROTECTIONS.—The protections under section 2235 applicable to covered cyber incident reports shall apply in the same manner and to the same extent to reports and information submitted under subsections (a) and (b).

''SEC. 2234. NONCOMPLIANCE WITH REQUIRED REPORTING.

''(a) PURPOSE.—In the event that an entity that is required to submit a report under section 2232(a) fails to comply with the requirement to report, the Director may obtain information about the incident or ransom payment by engaging the entity directly to request information about the incident or ransom payment, and if the Director is unable to obtain information through such engagement, by issuing a subpoena to the entity, pursuant to subsection (c), to gather information sufficient to determine whether a

covered cyber incident or ransom payment has occurred, and, if so, whether additional action is warranted pursuant to subsection (d).

''(b) INITIAL REQUEST FOR INFORMATION.—

''(1) IN GENERAL.—If the Director has reason to believe, whether through public reporting or other information in the possession of the Federal Government, including through analysis performed pursuant to paragraph (1) or (2) of section 2231(a), that an entity has experienced a covered cyber incident or made a ransom payment but failed to report such incident or payment to the Center within 72 hours in accordance with section 2232(a), the Director shall request additional information from the entity to confirm whether or not a covered cyber incident or ransom payment has occurred.

''(2) TREATMENT.—Information provided to the Center in response to a request under paragraph (1) shall be treated as if it was submitted through the reporting procedures established in section 2232.

''(c) AUTHORITY TO ISSUE SUBPOENAS AND DEBAR.—

''(1) IN GENERAL.—If, after the date that is 72 hours from the date on which the Director made the request for information in subsection (b), the Director has received no response from the entity from which such information was requested, or received an inadequate response, the Director may issue to such entity a subpoena to compel disclosure of information the Director deems necessary to determine whether a covered cyber incident or ransom payment has occurred and obtain the information required to be reported pursuant to section 2232 and any implementing regulations.

''(2) CIVIL ACTION.—

''(A) IN GENERAL.—If an entity fails to comply with a subpoena, the Director may refer the matter to the Attorney General to bring a civil action in a district court of the United States to enforce such subpoena.

''(B) VENUE.—An action under this paragraph may be brought in the judicial district in which the entity against which the action is brought resides, is found, or does business.

''(C) CONTEMPT OF COURT.—A court may punish a failure to comply with a subpoena issued under this subsection as contempt of court.

''(3) NON-DELEGATION.—The authority of the Director to issue a subpoena under this subsection may not be delegated.

''(4) DEBARMENT OF FEDERAL CONTRACTORS.—If a covered entity that is a Federal contractor fails to comply with a subpoena issued under this subsection—

''(A) the Director may refer the matter to the Administrator of General Services; and

''(B) upon receiving a referral from the Director, the Administrator of General Services may impose additional available penalties, including suspension or debarment.

''(5) AUTHENTICATION.—

''(A) IN GENERAL.—Any subpoena issued electronically pursuant to this subsection shall be authenticated with a cryptographic digital signature of an authorized representative of the Agency, or other comparable successor technology, that allows the Agency to demonstrate that such subpoena was issued by the Agency and has not been altered or modified since such issuance.

''(B) INVALID IF NOT AUTHENTICATED.—Any subpoena issued electronically pursuant to this subsection that is not authenticated in accordance with subparagraph (A) shall not be considered to be valid by the recipient of such subpoena.

''(d) ACTIONS BY ATTORNEY GENERAL AND FEDERAL REGULATORY AGENCIES.—

''(1) IN GENERAL.—Notwithstanding section 2235(a) and subsection (b)(2) of this section, if the Attorney General or the appropriate Federal regulatory agency determines, based on information provided in response to a subpoena issued pursuant to subsection (c), that the facts relating to the covered cyber incident or ransom payment at issue may constitute grounds for a regulatory enforcement action or criminal prosecution, the Attorney General or the appropriate Federal regulatory agency may use that information for a regulatory enforcement action or criminal prosecution.

''(2) APPLICATION TO CERTAIN ENTITIES AND THIRD PARTIES.—A covered cyber incident or ransom payment report submitted to the Center by an entity that makes a ransom payment or third party under section 2232 shall not be used by any Federal, State, Tribal, or local government to investigate or take another law enforcement action against the entity that makes a ransom payment or third party.

''(3) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to provide an entity that submits a covered cyber incident report or ransom payment report under section 2232 any immunity from law enforcement action for making a ransom payment otherwise prohibited by law.

''(e) CONSIDERATIONS.—When determining whether to exercise the authorities provided under this section, the Director shall take into consideration—

''(1) the size and complexity of the entity;

''(2) the complexity in determining if a covered cyber incident has occurred; and

''(3) prior interaction with the Agency or awareness of the entity of the policies and procedures of the Agency for reporting covered cyber incidents and ransom payments.

''(f) EXCLUSIONS.—This section shall not apply to a State, local, Tribal, or territorial government entity.

''(g) REPORT TO CONGRESS.—The Director shall submit to Congress an annual report on the number of times the Director—

''(1) issued an initial request for information pursuant to subsection (b);

''(2) issued a subpoena pursuant to subsection (c); or

''(3) referred a matter to the Attorney General for a civil action pursuant to subsection (c)(2).

''(h) PUBLICATION OF THE ANNUAL REPORT.—The Director shall publish a version of the annual report required under subsection (g) on the website of the Agency, which shall include, at a minimum, the number of times the Director—

''(1) issued an initial request for information pursuant to subsection (b); or

''(2) issued a subpoena pursuant to subsection (c).

''(i) ANONYMIZATION OF REPORTS.—The Director shall ensure any victim information contained in a report required to be published under subsection (h) be anonymized before the report is published.

''SEC. 2235. INFORMATION SHARED WITH OR PROVIDED TO THE FEDERAL GOVERNMENT.

''(a) DISCLOSURE, RETENTION, AND USE.—

''(1) AUTHORIZED ACTIVITIES.—Information provided to the Center or Agency pursuant to section 2232 or 2233 may be disclosed to, retained by, and used by, consistent with otherwise applicable provisions of Federal law, any Federal agency or department, component, officer, employee, or agent of the Federal Government solely for—

''(A) a cybersecurity purpose;

''(B) the purpose of identifying—

''(i) a cyber threat, including the source of the cyber threat; or

''(ii) a security vulnerability;

''(C) the purpose of responding to, or otherwise preventing or mitigating, a specific threat of death, a specific threat of serious bodily harm, or a specific threat of serious economic harm, including a terrorist act or use of a weapon of mass destruction;

''(D) the purpose of responding to, investigating, prosecuting, or otherwise preventing or mitigating, a serious threat to a minor, including sexual exploitation and threats to physical safety; or

''(E) the purpose of preventing, investigating, disrupting, or prosecuting an offense arising out of a cyber incident reported pursuant to section 2232 or 2233 or any of the offenses listed in section 105(d)(5)(A)(v) of the Cybersecurity Act of 2015 (6 U.S.C. 1504(d)(5)(A)(v)).

''(2) AGENCY ACTIONS AFTER RECEIPT.—

''(A) RAPID, CONFIDENTIAL SHARING OF CYBER THREAT INDICATORS.—Upon receiving a covered cyber incident or ransom payment report submitted pursuant to this section, the center shall immediately review the report to determine whether the incident that is the subject of the report is connected to an ongoing cyber threat or security vulnerability and where applicable, use such report to identify, develop, and rapidly disseminate to appropriate stakeholders actionable, anonymized cyber threat indicators and defensive measures.

''(B) STANDARDS FOR SHARING SECURITY VULNERABILITIES.—With respect to information in a covered cyber incident or ransom payment report regarding a security vulnerability referred to in paragraph (1)(B)(ii), the Director shall develop principles that govern the timing and manner in which information relating to security vulnerabilities may be shared, consistent with common industry best practices and United States and international standards.

''(3) PRIVACY AND CIVIL LIBERTIES.—Information contained in covered cyber incident and ransom payment reports submitted to the Center or the Agency pursuant to section 2232 shall be retained, used, and disseminated, where permissible and appropriate, by the Federal Government in accordance with processes to be developed for the protection of personal information consistent with processes adopted pursuant to section 105 of the Cybersecurity Act of 2015 (6 U.S.C. 1504) and in a manner that protects from unauthorized use or disclosure any information that may contain—

''(A) personal information of a specific individual; or

''(B) information that identifies a specific individual that is not directly related to a cybersecurity threat.

''(4) DIGITAL SECURITY.—The Center and the Agency shall ensure that reports submitted to the Center or the Agency pursuant to section 2232, and any information contained in those reports, are collected, stored, and protected at a minimum in accordance with the requirements for moderate impact Federal information systems, as described in Federal Information Processing Standards Publication 199, or any successor document.

''(5) PROHIBITION ON USE OF INFORMATION IN REGULATORY ACTIONS.—A Federal, State, local, or Tribal government shall not use information about a covered cyber incident or ransom payment obtained solely through reporting directly to the Center or the Agency in accordance with this subtitle to regulate, including through an enforcement action, the activities of the covered entity or entity that made a ransom payment.

''(b) NO WAIVER OF PRIVILEGE OR PROTECTION.—The submission of a report to the Center or the Agency under section 2232 shall not constitute a waiver of any applicable privilege or protection provided by law, including trade secret protection and attorney-client privilege.

''(c) EXEMPTION FROM DISCLOSURE.—Information contained in a report submitted to the Office under section 2232 shall be exempt

from disclosure under section 552(b)(3)(B) of title 5, United States Code (commonly known as the 'Freedom of Information Act') and any State, Tribal, or local provision of law requiring disclosure of information or records.

''(d) EX PARTE COMMUNICATIONS.—The submission of a report to the Agency under section 2232 shall not be subject to a rule of any Federal agency or department or any judicial doctrine regarding ex parte communications with a decision-making official.

''(e) LIABILITY PROTECTIONS.—

''(1) IN GENERAL.—No cause of action shall lie or be maintained in any court by any person or entity and any such action shall be promptly dismissed for the submission of a report pursuant to section 2232(a) that is submitted in conformance with this subtitle and the rule promulgated under section 2232(b), except that this subsection shall not apply with regard to an action by the Federal Government pursuant to section 2234(c)(2).

''(2) SCOPE.—The liability protections provided in subsection (e) shall only apply to or affect litigation that is solely based on the submission of a covered cyber incident report or ransom payment report to the Center or the Agency.

''(3) RESTRICTIONS.—Notwithstanding paragraph (2), no report submitted to the Agency pursuant to this subtitle or any communication, document, material, or other record, created for the sole purpose of preparing, drafting, or submitting such report, may be received in evidence, subject to discovery, or otherwise used in any trial, hearing, or other proceeding in or before any court, regulatory body, or other authority of the United States, a State, or a political subdivision thereof, provided that nothing in this subtitle shall create a defense to discovery or otherwise affect the discovery of any communication, document, material, or other record not created for the sole purpose of preparing, drafting, or submitting such report.

''(f) SHARING WITH NON-FEDERAL ENTITIES.—The Agency shall anonymize the victim who reported the information when making information provided in reports received under section 2232 available to critical infrastructure owners and operators and the general public.

''(g) PROPRIETARY INFORMATION.—Information contained in a report submitted to the Agency under section 2232 shall be considered the commercial, financial, and proprietary information of the covered entity when so designated by the covered entity.

''(h) STORED COMMUNICATIONS ACT.—Nothing in this subtitle shall be construed to permit or require disclosure by a provider of a remote computing service or a provider of an electronic communication service to the public of information not otherwise permitted or required to be disclosed under chapter 121 of title 18, United States Code (commonly known as the 'Stored Communications Act').''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the items relating to subtitle B of title XXII the following:

''Subtitle C—Cyber Incident Reporting

''Sec. 2230. Definitions.
''Sec. 2231. Cyber Incident Review.
''Sec. 2232. Required reporting of certain cyber incidents.
''Sec. 2233. Voluntary reporting of other cyber incidents.
''Sec. 2234. Noncompliance with required reporting.
''Sec. 2235. Information shared with or provided to the Federal Government.''.

SEC. 6104. FEDERAL SHARING OF INCIDENT REPORTS.

(a) CYBER INCIDENT REPORTING SHARING.—

(1) IN GENERAL.—Notwithstanding any other provision of law or regulation, any Federal agency, including any independent establishment (as defined in section 104 of title 5, United States Code), that receives a report from an entity of a cyber incident, including a ransomware attack, shall provide the report to the Director as soon as possible, but not later than 24 hours after receiving the report, unless a shorter period is required by an agreement made between the Cybersecurity Infrastructure Security Agency and the recipient Federal agency. The Director shall share and coordinate each report pursuant to section 2231(b) of the Homeland Security Act of 2002, as added by section 6103 of this title.

(2) RULE OF CONSTRUCTION.—The requirements described in paragraph (1) shall not be construed to be a violation of any provision of law or policy that would otherwise prohibit disclosure within the executive branch.

(3) PROTECTION OF INFORMATION.—The Director shall comply with any obligations of the recipient Federal agency described in paragraph (1) to protect information, including with respect to privacy, confidentiality, or information security, if those obligations would impose greater protection requirements than this Act or the amendments made by this Act.

(4) FOIA EXEMPTION.—Any report received by the Director pursuant to paragraph (1) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code (commonly known as the ''Freedom of Information Act'').

(b) CREATION OF COUNCIL.—Section 1752(c) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 1500(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (G), by striking ''and'' at the end;

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

''(H) lead an intergovernmental Cyber Incident Reporting Council, in coordination with the Director of the Office of Management and Budget, the Attorney General, and the Director of the Cybersecurity and Infrastructure Security Agency and in consultation with Sector Risk Management Agencies (as defined in section 2201 of the Homeland Security Act of 2002 (6 U.S.C. 651)) and other appropriate Federal agencies, to coordinate, deconflict, and harmonize Federal incident reporting requirements, including those issued through regulations, for covered entities (as defined in section 2230 of such Act) and entities that make a ransom payment (as defined in such section 2201 (6 U.S.C. 651)); and''; and

(2) by adding at the end the following:

''(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1)(H) shall be construed to provide any additional regulatory authority to any Federal entity.''.

(c) HARMONIZING REPORTING REQUIREMENTS.—The National Cyber Director shall, in consultation with the Director, the Attorney General, the Cyber Incident Reporting Council described in section 1752(c)(1)(H) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 1500(c)(1)(H)), and the Director of the Office of Management and Budget, to the maximum extent practicable—

(1) periodically review existing regulatory requirements, including the information required in such reports, to report cyber incidents and ensure that any such reporting requirements and procedures avoid conflicting, duplicative, or burdensome requirements; and

(2) coordinate with the Director, the Attorney General, and regulatory authorities that receive reports relating to cyber incidents to identify opportunities to streamline reporting processes, and where feasible, facilitate interagency agreements between such authorities to permit the sharing of such reports, consistent with applicable law and policy, without impacting the ability of such agencies to gain timely situational awareness of a covered cyber incident or ransom payment.

SEC. 6105. RANSOMWARE VULNERABILITY WARNING PILOT PROGRAM.

(a) PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Director shall establish a ransomware vulnerability warning program to leverage existing authorities and technology to specifically develop processes and procedures for, and to dedicate resources to, identifying information systems that contain security vulnerabilities associated with common ransomware attacks, and to notify the owners of those vulnerable systems of their security vulnerability.

(b) IDENTIFICATION OF VULNERABLE SYSTEMS.—The pilot program established under subsection (a) shall—

(1) identify the most common security vulnerabilities utilized in ransomware attacks and mitigation techniques; and

(2) utilize existing authorities to identify Federal and other relevant information systems that contain the security vulnerabilities identified in paragraph (1).

(c) ENTITY NOTIFICATION.—

(1) IDENTIFICATION.—If the Director is able to identify the entity at risk that owns or operates a vulnerable information system identified in subsection (b), the Director may notify the owner of the information system.

(2) NO IDENTIFICATION.—If the Director is not able to identify the entity at risk that owns or operates a vulnerable information system identified in subsection (b), the Director may utilize the subpoena authority pursuant to section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659) to identify and notify the entity at risk pursuant to the procedures within that section.

(3) REQUIRED INFORMATION.—A notification made under paragraph (1) shall include information on the identified security vulnerability and mitigation techniques.

(d) PRIORITIZATION OF NOTIFICATIONS.—To the extent practicable, the Director shall prioritize covered entities for identification and notification activities under the pilot program established under this section.

(e) LIMITATION ON PROCEDURES.—No procedure, notification, or other authorities utilized in the execution of the pilot program established under subsection (a) shall require an owner or operator of a vulnerable information system to take any action as a result of a notice of a security vulnerability made pursuant to subsection (c).

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide additional authorities to the Director to identify vulnerabilities or vulnerable systems.

(g) TERMINATION.—The pilot program established under subsection (a) shall terminate on the date that is 4 years after the date of enactment of this Act.

SEC. 6106. RANSOMWARE THREAT MITIGATION ACTIVITIES.

(a) JOINT RANSOMWARE TASK FORCE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the National Cyber Director, in consultation with the Attorney General and the Director of the Federal Bureau of Investigation, shall establish and chair the Joint Ransomware

Task Force to coordinate an ongoing nationwide campaign against ransomware attacks, and identify and pursue opportunities for international cooperation.

(2) COMPOSITION.—The Joint Ransomware Task Force shall consist of participants from Federal agencies, as determined appropriate by the National Cyber Director in consultation with the Secretary of Homeland Security.

(3) RESPONSIBILITIES.—The Joint Ransomware Task Force, utilizing only existing authorities of each participating agency, shall coordinate across the Federal Government the following activities:

(A) Prioritization of intelligence-driven operations to disrupt specific ransomware actors.

(B) Consult with relevant private sector, State, local, Tribal, and territorial governments and international stakeholders to identify needs and establish mechanisms for providing input into the Task Force.

(C) Identifying, in consultation with relevant entities, a list of highest threat ransomware entities updated on an ongoing basis, in order to facilitate—

(i) prioritization for Federal action by appropriate Federal agencies; and

(ii) identify metrics for success of said actions.

(D) Disrupting ransomware criminal actors, associated infrastructure, and their finances.

(E) Facilitating coordination and collaboration between Federal entities and relevant entities, including the private sector, to improve Federal actions against ransomware threats.

(F) Collection, sharing, and analysis of ransomware trends to inform Federal actions.

(G) Creation of after-action reports and other lessons learned from Federal actions that identify successes and failures to improve subsequent actions.

(H) Any other activities determined appropriate by the task force to mitigate the threat of ransomware attacks against Federal and non-Federal entities.

(b) CLARIFYING PRIVATE SECTOR LAWFUL DEFENSIVE MEASURES.—Not later than 180 days after the date of enactment of this Act, the National Cyber Director, in coordination with the Secretary of Homeland Security and the Attorney General, shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Oversight and Reform of the House of Representatives a report that describes defensive measures that private sector actors can take when countering ransomware attacks and what laws need to be clarified to enable that action.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide any additional authority to any Federal agency.

SEC. 6107. CONGRESSIONAL REPORTING.

(a) REPORT ON STAKEHOLDER ENGAGEMENT.—Not later than 30 days after the date on which the Director issues the final rule under section 2232(b) of the Homeland Security Act of 2002, as added by section 6103(b) of this title, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that describes how the Director engaged stakeholders in the development of the final rule.

(b) REPORT ON OPPORTUNITIES TO STRENGTHEN SECURITY RESEARCH.—Not later than 1 year after the date of enactment of this Act, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report describing how the National Cybersecurity and Communications Integration Center established under section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659) has carried out activities under section 2231(a)(9) of the Homeland Security Act of 2002, as added by section 6103(a) of this title, by proactively identifying opportunities to use cyber incident data to inform and enable cybersecurity research within the academic and private sector.

(c) REPORT ON RANSOMWARE VULNERABILITY WARNING PILOT PROGRAM.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for the duration of the pilot program established under section 6105, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report, which may include a classified annex, on the effectiveness of the pilot program, which shall include a discussion of the following:

(1) The effectiveness of the notifications under section 6105(c) in mitigating security vulnerabilities and the threat of ransomware.

(2) Identification of the most common vulnerabilities utilized in ransomware.

(3) The number of notifications issued during the preceding year.

(4) To the extent practicable, the number of vulnerable devices or systems mitigated under this pilot by the Agency during the preceding year.

(d) REPORT ON HARMONIZATION OF REPORTING REGULATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date on which the National Cyber Director convenes the Council described in section 1752(c)(1)(H) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 1500(c)(1)(H)), the National Cyber Director shall submit to the appropriate congressional committees a report that includes—

(A) a list of duplicative Federal cyber incident reporting requirements on covered entities and entities that make a ransom payment;

(B) a description of any challenges in harmonizing the duplicative reporting requirements;

(C) any actions the National Cyber Director intends to take to facilitate harmonizing the duplicative reporting requirements; and

(D) any proposed legislative changes necessary to address the duplicative reporting.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to provide any additional regulatory authority to any Federal agency.

(e) GAO REPORTS.—

(1) IMPLEMENTATION OF THIS ACT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the implementation of this Act and the amendments made by this Act.

(2) EXEMPTIONS TO REPORTING.—Not later than 1 year after the date on which the Director issues the final rule required under section 2232(b) of the Homeland Security Act of 2002, as added by section 6103 of this title, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the exemptions to reporting under paragraphs (2) and (5) of section 2232(a) of the Homeland Security Act of 2002, as added by section 6103 of this title, which shall include—

(A) to the extent practicable, an evaluation of the quantity of incidents not reported to the Federal Government;

(B) an evaluation of the impact on impacted entities, homeland security, and the national economy of the ransomware criminal ecosystem of incidents and ransom payments, including a discussion on the scope of impact of incidents that were not reported to the Federal Government;

(C) an evaluation of the burden, financial and otherwise, on entities required to report cyber incidents under this Act, including an analysis of entities that meet the definition of a small organization and would be exempt from ransom payment reporting but not for being a covered entity; and

(D) a description of the consequences and effects of the exemptions.

(f) REPORT ON EFFECTIVENESS OF ENFORCEMENT MECHANISMS.—Not later than 1 year after the date on which the Director issues the final rule required under section 2232(b) of the Homeland Security Act of 2002, as added by section 6103 of this title, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the effectiveness of the enforcement mechanisms within section 2234 of the Homeland Security Act of 2002, as added by section 6103 of this title.

TITLE LXII—CISA TECHNICAL CORRECTIONS AND IMPROVEMENTS ACT OF 2021

SEC. 6201. SHORT TITLE.

This title may be cited as the ''CISA Technical Corrections and Improvements Act of 2021''.

SEC. 6202. REDESIGNATIONS.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended—

(1) by redesignating section 2217 (6 U.S.C. 665f) as section 2220;

(2) by redesignating section 2216 (6 U.S.C. 665e) as section 2219;

(3) by redesignating the fourth section 2215 (relating to Sector Risk Management Agencies) (6 U.S.C. 665d) as section 2218;

(4) by redesignating the third section 2215 (relating to the Cybersecurity State Coordinator) (6 U.S.C. 665c) as section 2217; and

(5) by redesignating the second section 2215 (relating to the Joint Cyber Planning Office) (6 U.S.C. 665b) as section 2216.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2202(c) of the Homeland Security Act of 2002 (6 U.S.C. 652(c)) is amended—

(1) in paragraph (11), by striking ''and'' at the end;

(2) in the first paragraph (12)—

(A) by striking ''section 2215'' and inserting ''section 2217''; and

(B) by striking ''and'' at the end; and

(3) by redesignating the second and third paragraphs (12) as paragraphs (13) and (14), respectively.

(c) ADDITIONAL TECHNICAL AMENDMENT.—

(1) AMENDMENT.—Section 904(b)(1) of the DOTGOV Act of 2020 (title IX of division U of Public Law 116–260) is amended, in the matter preceding subparagraph (A), by striking ''Homeland Security Act'' and inserting ''Homeland Security Act of 2002''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if enacted as part of the DOTGOV Act of 2020 (title IX of division U of Public Law 116–260).

SEC. 6203. CONSOLIDATION OF DEFINITIONS.

(a) IN GENERAL.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651) is amended by inserting before the subtitle A heading the following:

"SEC. 2200. DEFINITIONS.

''Except as otherwise specifically provided, in this title:

''(1) AGENCY.—The term 'Agency' means the Cybersecurity and Infrastructure Security Agency.

''(2) AGENCY INFORMATION.—The term 'agency information' means information collected or maintained by or on behalf of an agency.

''(3) AGENCY INFORMATION SYSTEM.—The term 'agency information system' means an information system used or operated by an agency or by another entity on behalf of an agency.

''(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(B) the Committee on Homeland Security of the House of Representatives.

''(5) CLOUD SERVICE PROVIDER.—The term 'cloud service provider' means an entity offering products or services related to cloud computing, as defined by the National Institutes of Standards and Technology in NIST Special Publication 800–145 and any amendatory or superseding document relating thereto.

''(6) CRITICAL INFRASTRUCTURE INFORMATION.—The term 'critical infrastructure information' means information not customarily in the public domain and related to the security of critical infrastructure or protected systems, including—

''(A) actual, potential, or threatened interference with, attack on, compromise of, or incapacitation of critical infrastructure or protected systems by either physical or computer-based attack or other similar conduct (including the misuse of or unauthorized access to all types of communications and data transmission systems) that violates Federal, State, or local law, harms interstate commerce of the United States, or threatens public health or safety;

''(B) the ability of any critical infrastructure or protected system to resist such interference, compromise, or incapacitation, including any planned or past assessment, projection, or estimate of the vulnerability of critical infrastructure or a protected system, including security testing, risk evaluation thereto, risk management planning, or risk audit; or

''(C) any planned or past operational problem or solution regarding critical infrastructure or protected systems, including repair, recovery, reconstruction, insurance, or continuity, to the extent it is related to such interference, compromise, or incapacitation.

''(7) CYBER THREAT INDICATOR.—The term 'cyber threat indicator' means information that is necessary to describe or identify—

''(A) malicious reconnaissance, including anomalous patterns of communications that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat or security vulnerability;

''(B) a method of defeating a security control or exploitation of a security vulnerability;

''(C) a security vulnerability, including anomalous activity that appears to indicate the existence of a security vulnerability;

''(D) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to unwittingly enable the defeat of a security control or exploitation of a security vulnerability;

''(E) malicious cyber command and control;

''(F) the actual or potential harm caused by an incident, including a description of the information exfiltrated as a result of a particular cybersecurity threat;

''(G) any other attribute of a cybersecurity threat, if disclosure of such attribute is not otherwise prohibited by law; or

''(H) any combination thereof.

''(8) CYBERSECURITY PURPOSE.—The term 'cybersecurity purpose' means the purpose of protecting an information system or information that is stored on, processed by, or transiting an information system from a cybersecurity threat or security vulnerability.

''(9) CYBERSECURITY RISK.—The term 'cybersecurity risk'—

''(A) means threats to and vulnerabilities of information or information systems and any related consequences caused by or resulting from unauthorized access, use, disclosure, degradation, disruption, modification, or destruction of such information or information systems, including such related consequences caused by an act of terrorism; and

''(B) does not include any action that solely involves a violation of a consumer term of service or a consumer licensing agreement.

''(10) CYBERSECURITY THREAT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'cybersecurity threat' means an action, not protected by the First Amendment to the Constitution of the United States, on or through an information system that may result in an unauthorized effort to adversely impact the security, availability, confidentiality, or integrity of an information system or information that is stored on, processed by, or transiting an information system.

''(B) EXCLUSION.—The term 'cybersecurity threat' does not include any action that solely involves a violation of a consumer term of service or a consumer licensing agreement.

''(11) DEFENSIVE MEASURE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'defensive measure' means an action, device, procedure, signature, technique, or other measure applied to an information system or information that is stored on, processed by, or transiting an information system that detects, prevents, or mitigates a known or suspected cybersecurity threat or security vulnerability.

''(B) EXCLUSION.—The term 'defensive measure' does not include a measure that destroys, renders unusable, provides unauthorized access to, or substantially harms an information system or information stored on, processed by, or transiting such information system not owned by—

''(i) the entity operating the measure; or

''(ii) another entity or Federal entity that is authorized to provide consent and has provided consent to that private entity for operation of such measure.

''(12) HOMELAND SECURITY ENTERPRISE.—The term 'Homeland Security Enterprise' means relevant governmental and nongovernmental entities involved in homeland security, including Federal, State, local, and Tribal government officials, private sector representatives, academics, and other policy experts.

''(13) INCIDENT.—The term 'incident' means an occurrence that actually or imminently jeopardizes, without lawful authority, the integrity, confidentiality, or availability of information on an information system, or actually or imminently jeopardizes, without lawful authority, an information system.

''(14) INFORMATION SHARING AND ANALYSIS ORGANIZATION.—The term 'Information Sharing and Analysis Organization' means any formal or informal entity or collaboration created or employed by public or private sector organizations, for purposes of—

''(A) gathering and analyzing critical infrastructure information, including information related to cybersecurity risks and incidents, in order to better understand security problems and interdependencies related to critical infrastructure, including cybersecurity risks and incidents, and protected systems, so as to ensure the availability, integrity, and reliability thereof;

''(B) communicating or disclosing critical infrastructure information, including cybersecurity risks and incidents, to help prevent, detect, mitigate, or recover from the effects of a interference, compromise, or a incapacitation problem related to critical infrastructure, including cybersecurity risks and incidents, or protected systems; and

''(C) voluntarily disseminating critical infrastructure information, including cybersecurity risks and incidents, to its members, State, local, and Federal Governments, or any other entities that may be of assistance in carrying out the purposes specified in subparagraphs (A) and (B).

''(15) INFORMATION SYSTEM.—The term 'information system' has the meaning given the term in section 3502 of title 44, United States Code.

''(16) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

''(17) MANAGED SERVICE PROVIDER.—The term 'managed service provider' means an entity that delivers services, such as network, application, infrastructure, or security services, via ongoing and regular support and active administration on the premises of a customer, in the data center of the entity (such as hosting), or in a third party data center.

''(18) MONITOR.—The term 'monitor' means to acquire, identify, or scan, or to possess, information that is stored on, processed by, or transiting an information system.

''(19) NATIONAL CYBERSECURITY ASSET RESPONSE ACTIVITIES.—The term 'national cybersecurity asset response activities' means—

''(A) furnishing cybersecurity technical assistance to entities affected by cybersecurity risks to protect assets, mitigate vulnerabilities, and reduce impacts of cyber incidents;

''(B) identifying other entities that may be at risk of an incident and assessing risk to the same or similar vulnerabilities;

''(C) assessing potential cybersecurity risks to a sector or region, including potential cascading effects, and developing courses of action to mitigate such risks;

''(D) facilitating information sharing and operational coordination with threat response; and

''(E) providing guidance on how best to utilize Federal resources and capabilities in a timely, effective manner to speed recovery from cybersecurity risks.

''(20) NATIONAL SECURITY SYSTEM.—The term 'national security system' has the meaning given the term in section 11103 of title 40, United States Code.

''(21) RANSOM PAYMENT.—The term 'ransom payment' means the transmission of any money or other property or asset, including virtual currency, or any portion thereof, which has at any time been delivered as ransom in connection with a ransomware attack.

''(22) RANSOMWARE ATTACK.—The term 'ransomware attack'—

''(A) means a cyber incident that includes the use or threat of use of unauthorized or malicious code on an information system, or the use or threat of use of another digital

mechanism such as a denial of service attack, to interrupt or disrupt the operations of an information system or compromise the confidentiality, availability, or integrity of electronic data stored on, processed by, or transiting an information system to extort a demand for a ransom payment; and

''(B) does not include any such event where the demand for payment is made by a Federal Government entity, good faith security research, or in response to an invitation by the owner or operator of the information system for third parties to identify vulnerabilities in the information system.

''(23) SECTOR RISK MANAGEMENT AGENCY.—The term 'Sector Risk Management Agency' means a Federal department or agency, designated by law or Presidential directive, with responsibility for providing institutional knowledge and specialized expertise of a sector, as well as leading, facilitating, or supporting programs and associated activities of its designated critical infrastructure sector in the all hazards environment in coordination with the Department.

''(24) SECURITY CONTROL.—The term 'security control' means the management, operational, and technical controls used to protect against an unauthorized effort to adversely affect the confidentiality, integrity, and availability of an information system or its information.

''(25) SECURITY VULNERABILITY.—The term 'security vulnerability' means any attribute of hardware, software, process, or procedure that could enable or facilitate the defeat of a security control.

''(26) SHARING.—The term 'sharing' (including all conjugations thereof) means providing, receiving, and disseminating (including all conjugations of each such terms).

''(27) SUPPLY CHAIN COMPROMISE.—The term 'supply chain compromise' means a cyber incident within the supply chain of an information system that an adversary can leverage to jeopardize the confidentiality, integrity, or availability of the information technology system or the information the system processes, stores, or transmits, and can occur at any point during the life cycle.

''(28) VIRTUAL CURRENCY.—The term 'virtual currency' means the digital representation of value that functions as a medium of exchange, a unit of account, or a store of value.

''(29) VIRTUAL CURRENCY ADDRESS.—The term 'virtual currency address' means a unique public cryptographic key identifying the location to which a virtual currency payment can be made.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by amending section 2201 to read as follows:

''SEC. 2201. DEFINITION.

''In this subtitle, the term 'Cybersecurity Advisory Committee' means the advisory committee established under section 2219(a).'';

(2) in section 2202—

(A) in subsection (a)(1), by striking ''(in this subtitle referred to as the Agency)'';

(B) in subsection (f)—

(i) in paragraph (1), by inserting ''Executive'' before ''Assistant Director''; and

(ii) in paragraph (2), by inserting ''Executive'' before ''Assistant Director'';

(3) in section 2203(a)(2), by striking ''as the 'Assistant Director'' and inserting ''as the 'Executive Assistant Director' '';

(4) in section 2204(a)(2), by striking ''as the 'Assistant Director'' and inserting ''as the 'Executive Assistant Director' '';

(5) in section 2209—

(A) by striking subsection (a);

(B) by redesignating subsections (b) through (o) as subsections (a) through (n), respectively;

(C) in subsection (c)(1)—

(i) in subparagraph (A)(iii), as so redesignated, by striking '', as that term is defined under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))''; and

(ii) in subparagraph (B)(ii), by striking ''information sharing and analysis organizations'' and inserting ''Information Sharing and Analysis Organizations'';

(D) in subsection (d), as so redesignated—

(i) in the matter preceding paragraph (1), by striking ''subsection (c)'' and inserting ''subsection (b)''; and

(ii) in paragraph (1)(E)(ii)(II), by striking ''information sharing and analysis organizations'' and inserting ''Information Sharing and Analysis Organizations'';

(E) in subsection (j), as so redesignated, by striking ''subsection (c)(8)'' and inserting ''subsection (b)(8)''; and

(F) in subsection (n), as so redesignated—

(i) in paragraph (2)(A), by striking ''subsection (c)(12)'' and inserting ''subsection (b)(12)''; and

(ii) in paragraph (3)(B)(i), by striking ''subsection (c)(12)'' and inserting ''subsection (b)(12)'';

(6) in section 2210—

(A) by striking subsection (a);

(B) by redesignating subsections (b) through (d) as subsections (a) through (c), respectively;

(C) in subsection (b), as so redesignated—

(i) by striking ''information sharing and analysis organizations (as defined in section 2222(5))'' and inserting ''Information Sharing and Analysis Organizations''; and

(ii) by striking ''(as defined in section 2209)''; and

(D) in subsection (c), as so redesignated, by striking ''subsection (c)'' and inserting ''subsection (b)'';

(7) in section 2211, by striking subsection (h);

(8) in section 2212, by striking ''information sharing and analysis organizations (as defined in section 2222(5))'' and inserting ''Information Sharing and Analysis Organizations'';

(9) in section 2213—

(A) by striking subsection (a);

(B) by redesignating subsections (b) through (f) as subsections (a) through (e); respectively;

(C) in subsection (b), as so redesignated, by striking ''subsection (b)'' each place it appears and inserting ''subsection (a)'';

(D) in subsection (c), as so redesignated, in the matter preceding paragraph (1), by striking ''subsection (b)'' and inserting ''subsection (a)''; and

(E) in subsection (d), as so redesignated—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking ''subsection (c)(2)'' and inserting ''subsection (b)(2)'';

(II) in subparagraph (A), by striking ''subsection (c)(1)'' and inserting ''subsection (b)(1)''; and

(III) in subparagraph (B), by striking ''subsection (c)(2)'' and inserting ''subsection (b)(2)''; and

(ii) in paragraph (2), by striking ''subsection (c)(2)'' and inserting ''subsection (b)(2)'';

(10) in section 2216, as so redesignated—

(A) in subsection (d)(2), by striking ''information sharing and analysis organizations'' and inserting ''Information Sharing and Analysis Organizations''; and

(B) by striking subsection (f) and inserting the following:

''(f) CYBER DEFENSE OPERATION DEFINED.—In this section, the term 'cyber defense operation' means the use of a defensive measure.'';

(11) in section 2218(c)(4)(A), as so redesignated, by striking ''information sharing and analysis organizations'' and inserting ''Information Sharing and Analysis Organizations''; and

(12) in section 2222—

(A) by striking paragraphs (3), (5), and (8);

(B) by redesignating paragraph (4) as paragraph (3); and

(C) by redesignating paragraphs (6) and (7) as paragraphs (4) and (5), respectively.

(c) TABLE OF CONTENTS AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended—

(1) by inserting before the item relating to subtitle A of title XXII the following:

''Sec. 2200. Definitions.'';

(2) by striking the item relating to section 2201 and inserting the following:

''Sec. 2201. Definition.''; and

(3) by striking the item relating to section 2214 and all that follows through the item relating to section 2217 and inserting the following:

''Sec. 2214. National Asset Database.
''Sec. 2215. Duties and authorities relating to .gov internet domain.
''Sec. 2216. Joint Cyber Planning Office.
''Sec. 2217. Cybersecurity State Coordinator.
''Sec. 2218. Sector Risk Management Agencies.
''Sec. 2219. Cybersecurity Advisory Committee.
''Sec. 2220. Cybersecurity Education and Training Programs.''.

(d) CYBERSECURITY ACT OF 2015 DEFINITIONS.—Section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501) is amended—

(1) by striking paragraphs (4) through (7) and inserting the following:

''(4) CYBERSECURITY PURPOSE.—The term 'cybersecurity purpose' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

''(5) CYBERSECURITY THREAT.—The term 'cybersecurity threat' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

''(6) CYBER THREAT INDICATOR.—The term 'cyber threat indicator' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

''(7) DEFENSIVE MEASURE.—The term 'defensive measure' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.'';

(2) by striking paragraph (13) and inserting the following:

''(13) MONITOR.— The term 'monitor' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.''; and

(3) by striking paragraphs (16) and (17) and inserting the following:

''(16) SECURITY CONTROL.—The term 'security control' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

''(17) SECURITY VULNERABILITY.—The term 'security vulnerability' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.''.

SEC. 6204. ADDITIONAL TECHNICAL AND CONFORMING AMENDMENTS.

(a) FEDERAL CYBERSECURITY ENHANCEMENT ACT OF 2015.—The Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1521 et seq.) is amended—

(1) in section 222 (6 U.S.C. 1521)—

(A) in paragraph (2), by striking ''section 2210'' and inserting ''section 2200''; and

(B) in paragraph (4), by striking ''section 2209'' and inserting ''section 2200'';

(2) in section 223(b) (6 U.S.C. 151 note), by striking ''section 2213(b)(1)'' each place it appears and inserting ''section 2213(a)(1)'';

(3) in section 226 (6 U.S.C. 1524)—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''section 2213'' and inserting ''section 2200'';

(ii) in paragraph (2), by striking ''section 102'' and inserting ''section 2200 of the Homeland Security Act of 2002'';

(iii) in paragraph (4), by striking ''section 2210(b)(1)'' and inserting ''section 2210(a)(1)''; and

(iv) in paragraph (5), by striking ''section 2213(b)'' and inserting ''section 2213(a)''; and

(B) in subsection (c)(1)(A)(vi), by striking ''section 2213(c)(5)'' and inserting ''section 2213(b)(5)''; and

(4) in section 227(b) (6 U.S.C. 1525(b)), by striking ''section 2213(d)(2)'' and inserting ''section 2213(c)(2)''.

(b) PUBLIC HEALTH SERVICE ACT.—Section 2811(b)(4)(D) of the Public Health Service Act (42 U.S.C. 300hh–10(b)(4)(D)) is amended by striking ''section 228(c) of the Homeland Security Act of 2002 (6 U.S.C. 149(c))'' and inserting ''section 2210(b) of the Homeland Security Act of 2002 (6 U.S.C. 660(b))''.

(c) WILLIAM M. (MAC) THORNBERRY NATIONAL DEFENSE AUTHORIZATION ACT OF FISCAL YEAR 2021.—Section 9002 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 652a) is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking ''section 2222(5) of the Homeland Security Act of 2002 (6 U.S.C. 671(5))'' and inserting ''section 2200 of the Homeland Security Act of 2002''; and

(B) by amending paragraph (7) to read as follows:

''(7) SECTOR RISK MANAGEMENT AGENCY.—The term 'Sector Risk Management Agency' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.'';

(2) in subsection (c)(3)(B), by striking ''section 2201(5)'' and inserting ''section 2200''; and

(3) in subsection (d)—

(A) by striking ''section 2215'' and inserting ''section 2218''; and

(B) by striking '', as added by this section''.

(d) NATIONAL SECURITY ACT OF 1947.—Section 113B of the National Security Act of 1947 (50 U.S.C. 3049a(b)(4)) is amended by striking ''section 226 of the Homeland Security Act of 2002 (6 U.S.C. 147)'' and inserting ''section 2208 of the Homeland Security Act of 2002 (6 U.S.C. 658)''.

(e) IOT CYBERSECURITY IMPROVEMENT ACT OF 2020.—Section 5(b)(3) of the IoT Cybersecurity Improvement Act of 2020 (15 U.S.C. 278g–3c) is amended by striking ''section 2209(m) of the Homeland Security Act of 2002 (6 U.S.C. 659(m))'' and inserting ''section 2209(l) of the Homeland Security Act of 2002 (6 U.S.C. 659(l))''.

(f) SMALL BUSINESS ACT.—Section 21(a)(8)(B) of the Small Business Act (15 U.S.C. 648(a)(8)(B)) is amended by striking ''section 2209(a)'' and inserting ''section 2200''.

(g) TITLE 46.—Section 70101(2) of title 46, United States Code, is amended by striking ''section 227 of the Homeland Security Act of 2002 (6 U.S.C. 148)'' and inserting ''section 2200 of the Homeland Security Act of 2002''.

TITLE LXIII—FEDERAL CYBERSECURITY REQUIREMENTS

SEC. 6301. EXEMPTION FROM FEDERAL CYBERSECURITY REQUIREMENTS.

(a) IN GENERAL.—Section 225(b)(2) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1523(b)(2)) is amended to read as follows:

''(2) EXCEPTION.—

''(A) IN GENERAL.—A particular requirement under paragraph (1) shall not apply to an agency information system of an agency if—

''(i) with respect to the agency information system, the head of the agency submits to the Director an application for an exemption from the particular requirement, in which the head of the agency personally certifies to the Director with particularity that—

''(I) operational requirements articulated in the certification and related to the agency information system would make it excessively burdensome to implement the particular requirement;

''(II) the particular requirement is not necessary to secure the agency information system or agency information stored on or transiting the agency information system; and

''(III) the agency has taken all necessary steps to secure the agency information system and agency information stored on or transiting the agency information system;

''(ii) the head of the agency or the designee of the head of the agency has submitted the certification described in clause (i) to the appropriate congressional committees and any other congressional committee with jurisdiction over the agency; and

''(iii) the Director grants the exemption from the particular requirement.

''(B) DURATION OF EXEMPTION.—

''(i) IN GENERAL.—An exemption granted under subparagraph (A) shall expire on the date that is 1 year after the date on which the Director grants the exemption.

''(ii) RENEWAL.—Upon the expiration of an exemption granted to an agency under subparagraph (A), the head of the agency may apply for an additional exemption.''.

(b) REPORT ON EXEMPTIONS.—Section 3554(c)(1) of title 44, United States Code, as amended by section 5121 of this Act, is further amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) with respect to any exemptions the agency is granted by the Director of the Office of Management and Budget under section 225(b)(2) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1523(b)(2)) that is effective on the date of submission of the report, includes—

''(i) an identification of the particular requirements from which any agency information system (as defined in section 2210 of the Homeland Security Act of 2002 (6 U.S.C. 660)) is exempted; and

''(ii) for each requirement identified under subclause (I)—

''(I) an identification of the agency information system described in subclause (I) exempted from the requirement; and

''(II) an estimate of the date on which the agency will to be able to comply with the requirement.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that is 1 year after the date of enactment of this Act.

SA 4800. Ms. KLOBUCHAR (for herself and Mr. BLUNT) submitted an amendment intended to be proposed by her to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1004. AVAILABILITY OF TRAVEL PROMOTION FUND FOR BRAND USA.

(a) SHORT TITLE.—This section may be cited as the ''Restoring Brand USA Act''.

(b) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Treasury, subject to subsections (c) and (d), and notwithstanding any other provision of law, shall make available, from unobligated balances remaining available from fees collected before October 1, 2020, and credited to Travel Promotion Fund established under subsection (d) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(d)), $250,000,000 for the Corporation for Travel Promotion (commonly known as ''Brand USA'').

(c) INAPPLICABILITY OF CERTAIN REQUIREMENTS AND LIMITATIONS.—The limitations in subsection (d)(2)(B) of the Travel Promotion Act of 2009 shall not apply to amounts made available under subsection (b), and the requirements in subsection (d)(3) of such Act shall not apply to more than $50,000,000 of the amounts so available.

(d) USE OF FUNDS.—Brand USA may only use funds provided under subsection (b) to promote travel from countries whose citizens and nationals are permitted to enter the United States.

(e) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, Brand USA shall submit to Congress a plan for obligating and expending the amounts described in subsection (b).

SA 4801. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SBIR AND STTR PILOT PROGRAM FOR UNDERPERFORMING STATES.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(vv) DEPARTMENT OF DEFENSE PILOT PROGRAM FOR UNDERPERFORMING STATES.—

''(1) DEFINITIONS.—In this section:

''(A) DEPARTMENT.—The term 'Department' means the Department of Defense.

''(B) UNDERPERFORMING STATE.—The term 'underperforming State' means any State participating in the SBIR or STTR program that is in the bottom 68 percent of all States historically receiving SBIR or STTR program funding.

''(2) ESTABLISHMENT.—The Secretary of Defense shall establish a pilot program to provide small business concerns located in underperforming States an increased level of assistance under the SBIR and STTR programs of the Department.

''(3) ACTIVITIES.—Under the pilot program, the Department, and any component agency thereof, may—

''(A) in any case in which the Department seeks to make a Phase II SBIR or STTR award to a small business concern based on the results of a Phase I award made to the small business concern by another agency, establish a streamlined transfer and fast track approval process for that Phase II award;

''(B) provide an additional Phase II SBIR or STTR award to a small business concern

located in an underperforming State that received a Phase I SBIR or STTR award, subject to an increase in the allocation percentage;

''(C) establish a program to make Phase 1.5 SBIR or STTR awards to small business concerns located in underperforming States in order to provide funding for 12 to 24 months to continue the development of technology; and

''(D) carry out subparagraph (C) along with other mentorship programs.

''(4) DURATION.—The pilot program established under this subsection shall terminate 5 years after the date on which the pilot program is established.

''(5) REPORT.—The Department shall submit to Congress an annual report on the status of the pilot program established under this subsection, including the improvement in funding under the SBIR and STTR programs of the Department provided to small business concerns located in underperforming States.''.

SA 4802. Mr. OSSOFF (for himself, Mr. TILLIS, Mr. KING, Ms. CORTEZ MASTO, Mr. ROUNDS, Mr. SCOTT of South Carolina, and Mr. KELLY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DR. DAVID SATCHER CYBERSECURITY EDUCATION GRANT PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''Cybersecurity Opportunity Act''.

(b) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the National Institute of Standards and Technology.

(2) ENROLLMENT OF NEEDY STUDENTS.—The term ''enrollment of needy students'' has the meaning given the term in section 312(d) of the Higher Education Act of 1965 (20 U.S.C. 1058(d)).

(3) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ''historically Black college or university'' has the meaning given the term ''part B institution'' as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(4) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(5) MINORITY-SERVING INSTITUTION.—The term ''minority-serving institution'' means an institution listed in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(c) AUTHORIZATION OF GRANTS.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Director shall carry out the Dr. David Satcher Cybersecurity Education Grant Program by—

(A) awarding grants to assist institutions of higher education that have an enrollment of needy students, historically Black colleges and universities, and minority-serving institutions, to establish or expand cybersecurity programs, to build and upgrade institutional capacity to better support new or existing cybersecurity programs, including cybersecurity partnerships with public and private entities, and to support such institutions on the path to producing qualified entrants in the cybersecurity workforce or becoming a National Center of Academic Excellence in Cybersecurity; and

(B) awarding grants to build capacity at institutions of higher education that have an enrollment of needy students, historically Black colleges and universities, and minority-serving institutions, to expand cybersecurity education opportunities, cybersecurity programs, cybersecurity research, and cybersecurity partnerships with public and private entities.

(2) RESERVATION.—The Director shall award not less than 50 percent of the amount available for grants under this section to historically Black colleges and universities and minority-serving institutions.

(3) COORDINATION.—The Director shall carry out this section in coordination with appropriate Federal agencies, including the Department of Homeland Security.

(4) SUNSET.—The Director's authority to award grants under paragraph (1) shall terminate on the date that is 5 years after the date the Director first awards a grant under paragraph (1).

(d) APPLICATIONS.—An eligible institution seeking a grant under subsection (a) shall submit an application to the Director at such time, in such manner, and containing such information as the Director may reasonably require, including a statement of how the institution will use the funds awarded through the grant to expand cybersecurity education opportunities at the eligible institution.

(e) ACTIVITIES.—An eligible institution that receives a grant under this section may use the funds awarded through such grant for increasing research, education, technical, partnership, and innovation capacity, including for—

(1) building and upgrading institutional capacity to better support new or existing cybersecurity programs, including cybersecurity partnerships with public and private entities;

(2) building and upgrading institutional capacity to provide hands-on research and training experiences for undergraduate and graduate students; and

(3) outreach and recruitment to ensure students are aware of such new or existing cybersecurity programs, including cybersecurity partnerships with public and private entities.

(f) REPORTING REQUIREMENTS.—Not later than—

(1) 1 year after the effective date of this section, as provided in subsection (h), and annually thereafter until the Director submits the report under paragraph (2), the Director shall prepare and submit to Congress a report on the status and progress of implementation of the grant program under this section, including on the number and nature of institutions participating, the number and nature of students served by institutions receiving grants, the level of funding provided to grant recipients, the types of activities being funded by the grants program, and plans for future implementation and development; and

(2) 5 years after the effective date of this section, as provided in subsection (h), the Director shall prepare and submit to Congress a report on the status of cybersecurity education programming and capacity-building at institutions receiving grants under this section, including changes in the scale and scope of these programs, associated facilities, or in accreditation status, and on the educational and employment outcomes of students participating in cybersecurity programs that have received support under this section.

(g) PERFORMANCE METRICS.—The Director shall establish performance metrics for grants awarded under this section.

(h) EFFECTIVE DATE.—This section shall take effect 1 year after the date of enactment of this Act.

SA 4803. Ms. DUCKWORTH (for herself, Mr. KELLY, Ms. HIRONO, Ms. ROSEN, Mr. BENNET, Mr. HEINRICH, Mr. MORAN, Mr. YOUNG, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. KING, Mrs. SHAHEEN, Ms. KLOBUCHAR, Mr. DURBIN, Mr. PETERS, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1216. AFGHANISTAN WAR COMMISSION ACT OF 2021.

(a) SHORT TITLE.—This section may be cited as the ''Afghanistan War Commission Act of 2021''.

(b) DEFINITIONS.—In this section:

(1) APPLICABLE PERIOD.—The term ''applicable period'' means the period beginning June 1, 2001, and ending August 30, 2021.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Select Committee on Intelligence of the Senate;

(D) the Committee on Appropriations of the Senate;

(E) the Committee on Armed Services of the House of Representatives;

(F) the Committee on Foreign Affairs of the House of Representatives;

(G) the Permanent Select Committee on Intelligence of the House of Representatives; and

(H) the Committee on Appropriations of the House of Representatives.

(3) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(c) ESTABLISHMENT OF COMMISSION.—

(1) ESTABLISHMENT.—There is established in the legislative branch an independent commission to be known as the Afghanistan War Commission (in this section referred to as the ''Commission'').

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 16 members of whom—

(i) 1 shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

(ii) 1 shall be appointed by the ranking member of the Committee on Armed Services of the Senate;

(iii) 1 shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives;

(iv) 1 shall be appointed by the ranking member of the Committee on Armed Services of the House of Representatives;

(v) 1 shall be appointed by the Chairman of the Committee on Foreign Relations of the Senate;
(vi) 1 shall be appointed by the ranking member of the Committee on Foreign Relations of the Senate;
(vii) 1 shall be appointed by the Chairman of the Committee on Foreign Affairs of the House of Representatives;
(viii) 1 shall be appointed by the ranking member of the Committee on Foreign Affairs of the House of Representatives;
(ix) 1 shall be appointed by the Chairman of the Select Committee on Intelligence of the Senate;
(x) 1 shall be appointed by the ranking member of the Select Committee on Intelligence of the Senate.
(xi) 1 shall be appointed by the Chairman of the Permanent Select Committee on Intelligence of the House of Representatives;
(xii) 1 shall be appointed by the ranking member of the Permanent Select Committee on Intelligence of the House of Representatives;
(xiii) 1 shall be appointed by the majority leader of the Senate;
(xiv) 1 shall be appointed by the minority leader of the Senate;
(xv) 1 shall be appointed by the Speaker of the House of Representatives; and
(xvi) 1 shall be appointed by the Minority Leader of the House of Representatives.
(B) QUALIFICATIONS.—It is the sense of Congress that each member of the Commission appointed under subparagraph (A) should have significant professional experience in national security, such as a position in—
(i) the Department of Defense;
(ii) the Department of State;
(iii) the intelligence community;
(iv) the United States Agency for International Development; or
(v) an academic or scholarly institution.
(C) PROHIBITIONS.—A member of the Commission appointed under subparagraph (A) may not—
(i) be a current member of Congress;
(ii) be a former member of Congress who served in Congress after January 3, 2001;
(iii) be a current or former registrant under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);
(iv) have previously investigated Afghanistan policy or the war in Afghanistan through employment in the office of a relevant inspector general;
(v) have been the sole owner or had a majority stake in a company that held any United States or coalition defense contract providing goods or services to activities by the United States Government or coalition in Afghanistan during the applicable period; or
(vi) have served, with direct involvement in actions by the United States Government in Afghanistan during the time the relevant official served, as—
(I) a cabinet secretary or national security adviser to the President; or
(II) a four-star flag officer, Under Secretary, or more senior official in the Department of Defense or the Department of State.
(D) DATE.—
(i) IN GENERAL.—The appointments of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.
(ii) FAILURE TO MAKE APPOINTMENT.—If an appointment under subparagraph (A) is not made by the appointment date specified in clause (i)—
(I) the authority to make such appointment shall expire; and
(II) the number of members of the Commission shall be reduced by the number equal to the number of appointments not made.
(3) PERIOD OF APPOINTMENT; VACANCIES.—
(A) IN GENERAL.—A member of the Commission shall be appointed for the life of the Commission.
(B) VACANCIES.—A vacancy in the Commission—
(i) shall not affect the powers of the Commission; and
(ii) shall be filled in the same manner as the original appointment.
(4) MEETINGS.—
(A) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the first meeting of the Commission.
(B) FREQUENCY.—The Commission shall meet at the call of the Co-Chairpersons.
(C) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.
(5) CO-CHAIRPERSONS.—The Commission shall select, by a simple majority vote—
(A) 1 Co-Chairperson from the members of the Commission appointed by chairpersons of the appropriate congressional committees; and
(B) 1 Co-Chairperson from the members of the Commission appointed by the ranking members of the appropriate congressional committees.
(d) PURPOSE OF COMMISSION.— The purpose of the Commission is—
(1) to examine the key strategic, diplomatic, and operational decisions that pertain to the war in Afghanistan during the relevant period, including decisions, assessments, and events that preceded the war in Afghanistan; and
(2) to develop a series of lessons learned and recommendations for the way forward that will inform future decisions by Congress and policymakers throughout the United States Government.
(e) DUTIES OF COMMISSION.—
(1) STUDY.—
(A) IN GENERAL.—The Commission shall conduct a thorough study of all matters relating to combat operations, reconstruction and security force assistance activities, intelligence operations, and diplomatic activities of the United States pertaining to the Afghanistan during the period beginning September 1, 1996, and ending August 30, 2021.
(B) MATTERS STUDIED.—The matters studied by the Commission shall include—
(i) for the time period specified under subparagraph (A)—
(I) the policy objectives of the United States Government, including—
(aa) military objectives;
(bb) diplomatic objectives;
(cc) development objectives; and
(dd) intelligence objectives;
(II) significant decisions made by the United States, including the development of options presented to policymakers;
(III) the efficacy of efforts by the United States Government in meeting the objectives described in clause (i), including an analysis of —
(aa) military efforts;
(bb) diplomatic efforts;
(cc) development efforts; and
(dd) intelligence efforts; and
(IV) the efficacy of counterterrorism efforts against al Qaeda, the Islamic State Khorasan Province, and other foreign terrorist organizations in degrading the will and capabilities of such organizations—
(aa) to mount external attacks against the United States mainland or its allies and partners; or
(bb) to threaten regional stability in Afghanistan and neighboring countries.
(ii) the efficacy of metrics, measures of effectiveness, and milestones used to assess progress of diplomatic, military, and intelligence efforts;
(iii) the efficacy of interagency planning and execution process by the United States Government;
(iv) factors that led to the collapse of the Afghan National Defense Security Forces in 2021, including—
(I) training;
(II) assessment methodologies;
(III) building indigenous forces on western models;
(IV) reliance on technology and logistics support; and
(V) reliance on warfighting enablers provided by the United States;
(v) the efficacy of counter-corruption efforts to include linkages to diplomatic lines of effort, linkages to foreign and security assistance, and assessment methodologies;
(vi) the efficacy of counter-narcotic efforts to include alternative livelihoods, eradication, interdiction, and education efforts;
(vii) the role of countries neighboring Afghanistan in contributing to the instability of Afghanistan;
(viii) varying diplomatic approaches between Presidential administrations;
(ix) the extent to which the intelligence community did or did not fail to provide sufficient warning about the probable outcomes of a withdrawal of coalition military support from Afghanistan, including as it relates to—
(I) the capability and sustainability of the Afghanistan National Defense Security Forces;
(II) the sustainability of the Afghan central government, absent coalition support;
(III) the extent of Taliban control over Afghanistan over time with respect to geographic territory, governance, and influence; and
(IV) the likelihood of the Taliban regaining control of Afghanistan at various levels of United States and coalition support, including the withdrawal of most or all United States or coalition support;
(x) the extent to which intelligence products related to the state of the conflict in Afghanistan and the effectiveness of the Afghanistan National Defense Security Forces complied with intelligence community-wide analytic tradecraft standards and fully reflected the divergence of analytic views across the intelligence community;
(xi) an evaluation of whether any element of the United States Government inappropriately restricted access to data from elements of the intelligence community, Congress, or the Special Inspector General for Afghanistan Reconstruction (SIGAR) or any other oversight body such as other inspectors general or the Gpvernment Accountability Office, including through the use of overclassification; and
(xii) the extent to which public representations of the situation in Afghanistan before Congress by United States Government officials were not consistent with the most recent formal assessment of the intelligence community at the time those representations were made.
(2) REPORT REQUIRED.—
(A) IN GENERAL.—
(i) ANNUAL REPORT.—
(I) IN GENERAL.—Not later than 1 year after the date of the initial meeting of the Commission, and annually thereafter, the Commission shall submit to the appropriate congressional committees a report describing the progress of the activities of the Commission as of the date of such report, including any findings, recommendations, or lessons learned endorsed by the Commission.
(II) ADDENDA.—Any member of the Commission may submit an addendum to a report required under subclause (I) setting

forth the separate views of such member with respect to any matter considered by the Commission.

(III) BRIEFING.—On the date of the submission of the first annual report, the Commission shall brief Congress.

(ii) FINAL REPORT.—

(I) SUBMISSION.—Not later than 3 years after the date of the initial meeting of the Commission, the Commission shall submit to Congress a report that contains a detailed statement of the findings, recommendations, and lessons learned endorsed by the Commission.

(II) ADDENDA.—Any member of the Commission may submit an addendum to the report required under subclause (I) setting forth the separate views of such member with respect to any matter considered by the Commission.

(III) EXTENSION.—The Commission may submit the report required under subclause (I) at a date that is not more than 1 year later than the date specified in such clause if agreed to by the chairperson and ranking member of each of the appropriate congressional committees.

(B) FORM.—The report required by paragraph (1)(B) shall be submitted and publicly released on a Government website in unclassified form but may contain a classified annex.

(C) SUBSEQUENT REPORTS ON DECLASSIFICATION.—

(i) IN GENERAL.—Not later than 4 years after the date that the report required by subparagraph (A)(ii) is submitted, each relevant agency of jurisdiction shall submit to the committee of jurisdiction a report on the efforts of such agency to declassify such annex.

(ii) CONTENTS.—Each report required by clause (i) shall include—

(I) a list of the items in the classified annex that the agency is working to declassify at the time of the report and an estimate of the timeline for declassification of such items;

(II) a broad description of items in the annex that the agency is declining to declassify at the time of the report; and

(III) any justification for withholding declassification of certain items in the annex and an estimate of the timeline for declassification of such items.

(f) POWERS OF COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, take such testimony, and receive such evidence as the Commission considers necessary to carry out its purpose and functions under this section.

(2) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) INFORMATION.—

(i) IN GENERAL.—The Commission may secure directly from a Federal department or agency such information as the Commission considers necessary to carry out this section.

(ii) FURNISHING INFORMATION.—Upon receipt of a written request by the Co-Chairpersons of the Commission, the head of the department or agency shall expeditiously furnish the information to the Commission.

(B) SPACE FOR COMMISSION.—Not later than 30 days after the date of the enactment of this Act, the Administrator of General Services, in consultation with the Commission, shall identify and make available suitable excess space within the Federal space inventory to house the operations of the Commission. If the Administrator of General Services is not able to make such suitable excess space available within such 30-day period, the Commission may lease space to the extent that funds are available for such purpose.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services, goods, and property from non-Federal entities for the purposes of aiding and facilitating the work of the Commission. The authority in this subsection does not extend to gifts of money. Gifts accepted under this authority shall be documented, and conflicts of interest or the appearance of conflicts of interest shall be avoided. Subject to the authority in this section, commissioners shall otherwise comply with rules set forth by the Select Committee on Ethics of the Senate and the Committee on Ethics of the House of Representatives governing employees of the Senate and the House of Representatives.

(5) LEGISLATIVE ADVISORY COMMITTEE.—The Commission shall operate as a legislative advisory committee and shall not be subject to the provisions of the Federal Advisory Committee Act (Public Law 92–463; 5 U.S.C. App) or section 552b, United States Code (commonly known as the Government in the Sunshine Act).

(g) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) STAFF.—

(A) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding the requirements of section 2105 of title 5, United States Code, including the required supervision under subsection (a)(3) of such section, the members of the commission shall be deemed to be Federal employees.

(B) EXECUTIVE DIRECTOR.—The Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161(d) of title 5, United States Code.

(C) PAY.—The Executive Director, with the approval of the Commission, may appoint and fix the rate of basic pay for additional personnel as staff of the Commission in accordance with section 3161(d) of title 5, United States Code.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—A Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Co-Chairpersons of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(h) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits the report required under subsection (e)(2)(A)(ii).

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) INCREASE.—The amount authorized to be appropriated by section 4301 for Operation and Maintenance, Defense-wide, for the Office of the Secretary of Defense, is hereby increased by $3,000,000.

(2) OFFSET.—The amount authorized to be appropriated by section 4301 for Operation and Maintenance, Afghanistan Security Forces Fund, for Afghanistan Air Force, Line 090, is hereby reduced by $3,000,000.

SA 4804. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 1253. REPORT ON GEOSTRATEGIC INTERESTS AND NATIONAL SECURITY IMPLICATIONS RELATED TO TRADE IN INDO-PACIFIC REGION.

(a) IN GENERAL.—Not later than 150 days after the date of the enactment of this Act, the United States Trade Representative, in coordination with the Secretary of Defense, the Secretary of State, the Secretary of Commerce, and the Secretary of Homeland Security, shall submit to Congress and make available to the public a report on geostrategic interests and national security implications related to trade in the Indo-Pacific region.

(b) ELEMENTS.—The report required by subsection (a) shall include an assessment of the following:

(1) How reductions in tariffs, revisions in government procurement rules, and other market access commitments by countries in the Indo-Pacific region could potentially affect United States producers and supply chains deemed critical for national security purposes.

(2) How agreements by those countries, including with respect to strengthening investment and intellectual property rights, could potentially affect the development by the United States of critical new technologies.

(3) How agreements by those countries relating to digital trade could potentially affect United States cybersecurity, including potential agreements entered into with the United States to promote cybersecurity and open data flows and to combat discriminatory practices and government censorship.

(4) How tariff and nontariff barriers imposed by those countries and trade agreements by those countries could broadly affect geostrategic United States interests, partnerships, and alliances.

(5) Current and predicted foreign direct investment in the Indo-Pacific region by the People's Republic of China.

(6) How agreements by those countries could counter the semiconductor policies of the Government of the People's Republic of China, particularly those policies that could lead to the transfer of intellectual property, research and development, and manufacturing to the People's Republic of China.

(c) PUBLIC HEARING.—The Trade Representative and the officials specified in subsection (a) shall jointly conduct a public hearing and invite witnesses to testify with respect to the elements described in subsection (b).

SA 4805. Ms. CORTEZ MASTO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year

2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

Subtitle ____—Veterans Matters

SEC. _____. EXTENSIONS OF CERTAIN PROVISIONS OF LAW RELATING TO BENEFITS PROVIDED UNDER DEPARTMENT OF VETERANS AFFAIRS EDUCATIONAL ASSISTANCE PROGRAMS DURING COVID–19 PANDEMIC.

(a) EXTENSION OF STUDENT VETERAN CORONAVIRUS RESPONSE ACT OF 2020.—Section 2 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116–140; 38 U.S.C. 3031 note), as amended by section 5202(a) of the Department of Veterans Affairs Expiring Authorities Act of 2020 (division E of Public Law 116–159), is further amended by striking ''December 21, 2021'' and inserting ''June 1, 2022''.

(b) EXTENSION OF PAYMENT OF WORK-STUDY ALLOWANCES DURING EMERGENCY SITUATION.—Section 3 of the Student Veteran Coronavirus Response Act of 2020 (38 U.S.C. 3485 note) is amended by striking ''During the covered period'' and inserting ''During the period beginning on March 1, 2020, and ending on June 1, 2022''.

(c) EXTENSION OF PERIOD FOR CONTINUATION OF DEPARTMENT OF VETERANS AFFAIRS EDUCATIONAL ASSISTANCE BENEFITS FOR CERTAIN PROGRAMS OF EDUCATION CONVERTED TO DISTANCE LEARNING BY REASON OF EMERGENCIES AND HEALTH-RELATED SITUATIONS.—Section 1(b) of Public Law 116–128 (38 U.S.C. 3001 note prec.), as amended by section 5202(b) of the Department of Veterans Affairs Expiring Authorities Act of 2020 (division E of Public Law 116–159), is further amended by striking ''December 21, 2021'' and inserting ''June 1, 2022''.

(d) EXTENSION OF MODIFICATION OF TIME LIMITATIONS ON USE OF ENTITLEMENT TO MONTGOMERY GI BILL AND VOCATIONAL REHABILITATION AND TRAINING.—Section 1105 of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Public Law 116–315) is amended by striking ''December 21, 2021'' each place it appears and inserting ''June 1, 2022''.

(e) EXTENSION OF CONTINUATION OF DEPARTMENT OF VETERANS AFFAIRS EDUCATIONAL ASSISTANCE BENEFITS DURING COVID–19 EMERGENCY.—Section 1102(e) of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Public Law 116–315) is amended by striking ''December 21, 2021'' and inserting ''June 1, 2022''.

(f) EXTENSION OF PROVISIONS RELATING TO EFFECTS OF CLOSURE OF EDUCATIONAL INSTITUTION AND MODIFICATION OF COURSES BY REASON OF COVID–19 EMERGENCY.—Section 1103(h) of such Act is amended by striking ''December 21, 2021'' and inserting ''June 1, 2022''.

(g) EXTENSION OF PROVISION RELATING TO PAYMENT OF EDUCATIONAL ASSISTANCE IN CASES OF WITHDRAWAL.—Section 1104(a) of such Act is amended by striking ''December 21, 2021'' and inserting ''June 1, 2022''.

(h) EXTENSION OF PROVISION RELATING TO APPRENTICESHIP OR ON-JOB TRAINING REQUIREMENTS.—Section 1106(b) of such Act is amended by striking ''December 21, 2021'' and inserting ''June 1, 2022''.

SEC. _____. MODIFICATIONS TO REQUIREMENTS FOR EDUCATIONAL INSTITUTIONS PARTICIPATING IN THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) WAIVER OF VERIFICATION OF ENROLLMENT FOR CERTAIN EDUCATIONAL INSTITUTIONS.—Section 3313(l) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(4) WAIVER.—The Secretary may waive the requirements of this subsection for an educational institution that the Secretary has determined uses a flat tuition and fee structure that would make the use of a second verification under this subsection unnecessary.''.

(b) LIMITATIONS ON AUTHORITY TO DISAPPROVE OF COURSES.—

(1) IN GENERAL.—Subsection (f) of section 3679 of title 38, United States Code, is amended—

(A) in paragraph (2)(B),

(i) by inserting '', except for the recruitment of foreign students residing in foreign countries who are not eligible to receive Federal student assistance'' after ''assistance''; and

(ii) by adding at the end the following new subparagraph:

''(C) In determining whether a violation of subparagraph (B) has occurred, the State approving agency, or the Secretary when acting in the place of the State approving agency, shall construe the requirements of this paragraph in accordance with the regulations and guidance prescribed by the Secretary of Education under section 487(a)(20) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(20)).'';

(B) by redesignating paragraph (7) as paragraph (8); and

(C) by inserting after paragraph (6) the following new paragraph (7):

''(7) This subsection shall not apply to an educational institution—

''(A) located in a foreign country; or

''(B) that provides to a covered individual consumer information regarding costs of the program of education (including financial aid available to such covered individual) using a form or template developed by the Secretary of Education.''.

(2) APPLICATION DATE.—The Secretary of Veterans Affairs may not carry out subsection (f) of section 3679 of title 38, United States Code, until August 1, 2022, except that, beginning on June 15, 2022, an educational institution may submit an application for a waiver under paragraph (5) of such subsection.

(3) CONFORMING AMENDMENTS.—Subsection (c) of section 3696 of such title is amended—

(A) by inserting ''(1)'' before ''An educational'';

(B) by inserting '', except for the recruitment of foreign students residing in foreign countries who are not eligible to receive Federal student assistance'' after ''assistance''; and

(C) by adding at the end the following new paragraph:

''(2) In determining whether a violation of paragraph (1) has occurred, the Under Secretary for Benefits shall construe the requirements of this paragraph in accordance with the regulations and guidance prescribed by the Secretary of Education under section 487(a)(20) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(20)).''.

(c) EXEMPTION OF FOREIGN SCHOOLS FROM CERTAIN REQUIREMENTS.—

(1) INFORMATION RELATING TO TESTS.—Section 3689(c) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(3) Subparagraph (G) of paragraph (1) shall not apply with respect to an educational institution located in a foreign country.''.

(2) EXAMINATION OF RECORDS.—Section 3690(c) of title 38, United States Code, is amended—

(A) by striking ''Notwithstanding'' and inserting ''(1) Except as provided in paragraph (2), notwithstanding''; and

(B) by adding at the end the following new paragraph:

''(2) Paragraph (1) does not apply to the records and accounts—

''(A) of an educational institution located in a foreign country; and

''(B) that pertain to an individual who is not receiving educational assistance under this chapter.''.

SEC. _____. CONTINUATION OF DEPARTMENT OF VETERANS AFFAIRS EDUCATIONAL ASSISTANCE BENEFITS FOR CERTAIN PROGRAMS OF EDUCATION CONVERTED TO DISTANCE LEARNING BY REASON OF EMERGENCIES AND HEALTH-RELATED SITUATIONS.

(a) IN GENERAL.—In the case of a program of education approved by a State approving agency, or the Secretary of Veterans Affairs when acting in the role of a State approving agency, that is converted from being offered on-site at an educational institution to being offered by distance learning by reason of an emergency or health-related situation, as determined by the Secretary, the Secretary may continue to provide educational assistance under the laws administered by the Secretary without regard to such conversion, including with respect to paying any—

(1) monthly housing stipends under chapter 33 of title 38, United States Code; or

(2) payments or subsistence allowances under chapters 30, 31, 32, and 35 of such title and chapters 1606 and 1607 of title 10, United States Code.

(b) APPLICABILITY PERIOD.—Subsection (a) shall apply during the period beginning on December 21, 2021, and ending on June 1, 2022.

(c) DEFINITIONS.—In this section:

(1) EDUCATIONAL INSTITUTION.—The term ''educational institution'' has the meaning given that term in section 3452 of title 38, United States Code, and includes an institution of higher learning (as defined in such section).

(2) PROGRAM OF EDUCATION.—The term ''program of education'' has the meaning given that term in section 3002 of title 38, United States Code.

(3) STATE APPROVING AGENCY.—The term ''State approving agency'' has the meaning given that term in section 3671 of title 38, United States Code.

SEC. _____. BUDGETARY EFFECTS.

(a) IN GENERAL.—Amounts provided to carry out the amendments made by this subtitle are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(b) DESIGNATION IN SENATE.—In the Senate, amounts provided to carry out the amendments made by this subtitle are designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

SA 4806. Ms. SMITH (for herself and Mr. YOUNG) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel

strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—EMERGENCY PREPAREDNESS

SEC. __01. SHORT TITLE.

This title may be cited as the ''Advancing Emergency Preparedness Through One Health Act of 2021''.

SEC. __02. FINDINGS.

Congress finds the following:

(1) The term ''One Health'' reflects the interconnectedness of human health, animal health, and the environment. As technology and population growth facilitates increased interaction of human settlements with wildlife habitats and as international travel and trade increases, the interface between these elements will also continue to rise.

(2) When zoonotic diseases spill over to humans, there are often enormous health and economic costs. The World Bank estimates that, between 1997 and 2009, the global costs from six zoonotic outbreaks exceeded $80,000,000,000 and the Centers for Disease Control and Prevention estimates that there are annually 2,500,000,000 cases of zoonotic infections globally, resulting in 2,700,000 deaths.

(3) There are also immense effects on the agriculture sector. In 2014 and 2015, a high pathogenic avian influenza (HPAI) outbreak in the United States led to the cull of nearly 50,000,000 birds, and imposed up to approximately $3,300,000,000 in losses for poultry and egg farmers, animal feed producers, baked good production, and other related industries.

(4) Public health preparedness depends on agriculture in a variety of ways. For example, a wide range of vaccines, including those for influenza, yellow fever, rabies, and measles-mumps-rubella (MMR), are primarily cultivated in poultry eggs. Egg shortages resulting from zoonotic disease outbreaks could impose serious risks to vaccine manufacturing efforts.

(5) It is estimated that approximately 80 percent of potential pathogens likely to be used in bioterrorism or biowarfare are common zoonotic pathogens.

(6) While existing Federal Government initiatives related to One Health span multiple agencies, including the Centers for Disease Control and Prevention One Health office and the Department of Agriculture Animal and Plant Health Inspection Services' One Health Coordination Center, additional interagency coordination is necessary to help better prevent, prepare for, and respond to zoonotic disease outbreaks.

SEC. __03. INTERAGENCY ONE HEALTH PROGRAM.

(a) IN GENERAL.—The Secretary of the Interior, the Secretary of Health and Human Services, and the Secretary of Agriculture (referred to in this title as the ''Secretaries''), in coordination with the United States Agency for International Development, the Environmental Protection Agency, the Department of Homeland Security, the Department of Defense, the Department of Commerce, and other departments and agencies as appropriate, shall develop, publish, and submit to Congress a national One Health Framework (referred to in this title as the ''framework'') for coordinated Federal Activities under the One Health Program.

(b) NATIONAL ONE HEALTH FRAMEWORK.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretaries, in cooperation with the United States Agency for International Development, the Environmental Protection Agency, the Department of Homeland Security, the Department of Defense, the Department of Commerce, and other departments and agencies as appropriate, shall develop, publish, and submit to Congress a One Health Framework (referred to in this section as the ''framework'') for coordinated Federal activities under the One Health Program.

(2) CONTENTS OF FRAMEWORK.—The framework described in paragraph (1) shall describe existing efforts and contain recommendations for building upon and complementing the activities of the Department of the Interior, the Centers for Disease Control and Prevention, the Food and Drug Administration, the Office of the Assistant Secretary for Preparedness and Response, the Department of Agriculture, the United States Agency for International Development, the Environmental Protection Agency, the National Institutes of Health, the Department of Homeland Security, and other departments and agencies, as appropriate, and shall—

(A) assess, identify, and describe, as appropriate, existing activities of Federal agencies and departments under the One Health Program and consider whether all relevant agencies are adequately represented;

(B) for the 10-year period beginning in the year the framework is submitted, establish specific Federal goals and priorities that most effectively advance—

(i) scientific understanding of the connections between human, animal, and environmental health;

(ii) coordination and collaboration between agencies involved in the framework including sharing data and information, engaging in joint fieldwork, and engaging in joint laboratory studies related to One Health;

(iii) identification of priority zoonotic diseases and priority areas of study;

(iv) surveillance of priority zoonotic diseases and their transmission between animals and humans;

(v) prevention of priority zoonotic diseases and their transmission between animals and humans;

(vi) protocol development to improve joint outbreak response to and recovery from zoonotic disease outbreaks in animals and humans; and

(vii) workforce development to prevent and respond to zoonotic disease outbreaks in animals and humans;

(C) describe specific activities required to achieve the goals and priorities described in subparagraph (B), and propose a timeline for achieving these goals;

(D) identify and expand partnerships, as appropriate, among Federal agencies, States, Indian tribes, academic institutions, nongovernmental organizations, and private entities in order to develop new approaches for reducing hazards to human and animal health and to strengthen understanding of the value of an integrated approach under the One Health Program to addressing public health threats in a manner that prevents duplication;

(E) identify best practices related to State and local-level research coordination, field activities, and disease outbreak preparedness, response, and recovery related to One Health; and

(F) provide recommendations to Congress regarding additional action or legislation that may be required to assist in establishing the One Health Program.

(3) ADDENDUM.—Not later than 3 years after the creation of the framework, the Secretaries, in coordination with the agencies described in paragraph (1), shall submit to Congress an addendum to the framework that describes the progress made in advancing the activities described in the framework.

(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated such sums as may be necessary.

SEC. __04. GAO REPORT.

Not later than 2 years after the date of the submission of the addendum under section __03(b)(3), the Comptroller General of the United States shall submit to Congress a report that—

(1) details existing collaborative efforts between the Department of the Interior, the Centers for Disease Control and Prevention, the Food and Drug Administration, the Department of Agriculture, the United States Agency for International Development, the Environmental Protection Agency, the National Institutes of Health, the Department of Homeland Security, and other departments and agencies to prevent and respond to zoonotic disease outbreaks in animals and humans; and

(2) contains an evaluation of the framework and the specific activities requested to achieve the framework.

SA 4807. Ms. SMITH (for herself, Mr. CASSIDY, and Ms. WARREN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1064. STUDY AND REPORT ON THE REDISTRIBUTION OF COVID–19 VACCINE DOSES THAT WOULD OTHERWISE EXPIRE TO FOREIGN COUNTRIES AND ECONOMIES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, shall conduct a study to identify and analyze the logistical prerequisites for the collection of unused and unexpired doses of the COVID–19 vaccine in the United States and for the distribution of such doses to foreign countries and economies.

(2) MATTERS STUDIED.—The matters studied by the Secretary of Health and Human Services under paragraph (1) shall include—

(A) options for the collection of unused and unexpired doses of the COVID–19 vaccine from entities in the United States;

(B) methods for the collection and shipment of such doses to foreign countries and economies;

(C) methods for ensuring the appropriate storage and handling of such doses during and following the distribution and delivery of the doses to such countries and economies;

(D) the capacity and capability of foreign countries and economies receiving such doses to distribute and administer the doses while assuring their safety and quality;

(E) the minimum supply of doses of the COVID–19 vaccine necessary to be retained within the United States; and

(F) other Federal agencies with which the heads of the relevant agencies should coordinate to accomplish the tasks described in subparagraphs (A) through (E) and the degree of coordination necessary between such agencies.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with the other heads of the relevant agencies, shall submit to the appropriate congressional committees a report on the results of the study conducted under subsection (a).

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Health, Education, Labor, and Pensions, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Energy and Commerce, and the Committee on Foreign Affairs of the House of Representatives.

(2) RELEVANT AGENCIES.—The term ''relevant agencies'' means—

(A) the Department of Health and Human Services;

(B) the Department of State; and

(C) the United States Agency for International Development.

SA 4808. Mrs. FEINSTEIN (for herself, Ms. ERNST, Mr. DURBIN, Ms. COLLINS, Ms. HIRONO, Ms. ROSEN, Mr. PETERS, Mr. CORNYN, and Ms. DUCKWORTH) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1216. STATUS OF WOMEN AND GIRLS IN AFGHANISTAN.

(a) FINDINGS.—Congress finds the following:

(1) Since May 2021, the escalation of violent conflict in Afghanistan has forcibly displaced an estimated 655,000 civilians, and 80 percent of those forced to flee are women and children.

(2) Since regaining control of Afghanistan in August 2021, the Taliban have taken actions reminiscent of their brutal rule in the late 1990s, including by cracking down on protesters, detaining and beating journalists, reestablishing the Ministry for the Promotion of Virtue and Prevention of Vice, and requiring women to study at universities in gender-segregated classrooms while wearing Islamic attire.

(3) Until the Taliban assumed control of the country in August 2021, the women and girls of Afghanistan had achieved much since 2001, even as insecurity, poverty, underdevelopment, and patriarchal norms continued to limit their rights and opportunities in much of Afghanistan.

(4) Through strong support from the United States and the international community—

(A) female enrollment in public schools in Afghanistan continued to increase through 2015, with an estimated high of 50 percent of school age girls attending; and

(B) by 2019—

(i) women held political leadership positions, and women served as ambassadors; and

(ii) women served as professors, judges, prosecutors, defense attorneys, police, military members, health professionals, journalists, humanitarian and developmental aid workers, and entrepreneurs.

(5) Efforts to empower women and girls in Afghanistan continue to serve the national interests of Afghanistan and the United States because women are sources of peace and economic progress.

(6) With the return of Taliban control, the United States has little ability to preserve the human rights of women and girls in Afghanistan, and those women and girls may again face the intimidation and marginalization they faced under the last Taliban regime.

(7) Women and girls in Afghanistan are again facing gender-based violence, including—

(A) forced marriage;

(B) intimate partner and domestic violence;

(C) sexual harassment;

(D) sexual violence, including rape; and

(E) emotional and psychological violence.

(8) Gender-based violence has always been a significant problem in Afghanistan and is expected to become more widespread with the Taliban in control. In 2020, even before the Taliban assumed control of the country, some studies projected that 87 percent of Afghan women and girls will experience at least one form of gender-based violence in their lifetime, with 62 percent experiencing multiple incidents of such violence.

(9) Prior to the Taliban takeover in August 2021, approximately 7,000,000 people in Afghanistan lacked or had limited access to emergency and primary health services as a result of inadequate public health coverage, weak health systems, and conflict-related interruptions in care.

(10) Women and girls faced additional challenges, as their access to prenatal, childbirth, and postpartum care was limited due to a shortage of female medical staff, cultural barriers, stigma and fears of reprisals following sexual violence, or other barriers to mobility, including security fears.

(11) Only approximately 50 percent of pregnant women and girls in Afghanistan deliver their children in a health facility with a professional attendant, which increases the risk of complications in childbirth and preventable maternal mortality.

(12) Food insecurity in Afghanistan is also posing a variety of threats to women and girls, as malnutrition weakens their immune systems and makes them more susceptible to infections, complications during pregnancy, and risks during childbirth.

(13) With the combined impacts of ongoing conflict and COVID–19, Afghan households increasingly resort to child marriage, forced marriage, and child labor to address food insecurity and other effects of extreme poverty.

(14) In Afghanistan, the high prevalence of anemia among adolescent girls reduces their ability to survive childbirth, especially when coupled with high rates of child marriage and forced marriage and barriers to accessing prenatal and childbirth services.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) since 2001, organizations and networks promoting the empowerment of women and girls have been important engines of social, economic, and political development in Afghanistan;

(2) any future political order in Afghanistan should secure the political, economic, and social gains made by Afghan women and work to increase the equal treatment of women and girls;

(3) respecting the internationally recognized human rights of all people is essential to securing lasting peace and sustainable development in Afghanistan;

(4) in cooperation with international partners, the United States must endeavor to preserve the hard-won gains made in Afghanistan during the past two decades, particularly as related to the social, economic and political empowerment of women and girls in society;

(5) the continued provision of humanitarian assistance in Afghanistan should be targeted toward the most vulnerable, including for the protection, education, and well-being of women and girls;

(6) immediate and ongoing humanitarian needs in Afghanistan can only be met by a humanitarian response that includes formal agreements between local nongovernmental organizations and international partners that promotes the safe access and participation of female staff at all levels and across functional roles among all humanitarian actors; and

(7) a lack of aid would exacerbate the current humanitarian crisis and harm the well-being of women and girls in Afghanistan.

(c) POLICY OF THE UNITED STATES REGARDING THE RIGHTS OF WOMEN AND GIRLS OF AFGHANISTAN.—

(1) IN GENERAL.—It is the policy of the United States—

(A) to continue to support the internationally recognized human rights of women and girls in Afghanistan following the withdrawal of the United States Armed Forces from Afghanistan, including through mechanisms to hold all parties publicly accountable for violations of international humanitarian law and violations of such rights against women and girls;

(B) to strongly oppose any weakening of the political or economic rights of women and girls in Afghanistan;

(C) to use the voice and influence of the United States at the United Nations to promote, respect, and uphold the internationally recognized human rights of the women and girls of Afghanistan, including the right to safely work;

(D) to identify individuals who violate the internationally recognized human rights of women and girls in Afghanistan, such as by committing acts of murder, lynching, and grievous domestic violence against women, and to press for bringing those individuals to justice; and

(E) to systematically consult with Afghan women and girls on their needs and priorities in the development, implementation, and monitoring of humanitarian action, including women and girls who are part of the Afghan diaspora community.

(d) HUMANITARIAN ASSISTANCE AND AFGHAN WOMEN.—The Administrator of the United States Agency for International Development should work to ensure that Afghan women are employed and enabled to work in the delivery of humanitarian assistance in Afghanistan, to the extent practicable.

(e) REPORT ON WOMEN AND GIRLS IN AFGHANISTAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter through 2024, the Secretary of State shall submit to the appropriate committees of Congress, and make available to the public, a report that includes the following:

(A) An assessment of the status of women and girls in Afghanistan following the departure of United States and partner military forces, including with respect to access to primary and secondary education, jobs, primary and emergency health care, and legal protections and status.

(B) An assessment of the political and civic participation of women and girls in Afghanistan.

(C) An assessment of the prevalence of gender-based violence in Afghanistan.

(D) A report on funds for United States foreign assistance obligated or expended during the period covered by the report to advance

gender equality and the internationally recognized human rights of women and girls in Afghanistan, including funds directed toward local organizations promoting such rights of women and girls, that includes the following:

(i) The amounts awarded to principal recipients and sub-recipients for such purposes during the reporting period.

(ii) A description of each program for which such funds are used for such purposes.

(2) ASSESSMENT.—

(A) INPUT.—The assessment described in paragraph (1)(A) shall include the input of—

(i) Afghan women and girls;

(ii) organizations employing and working with Afghan women and girls; and

(iii) humanitarian organizations, including faith-based organizations, providing assistance in Afghanistan.

(B) SAFETY AND CONFIDENTIALITY.—In carrying out the assessment described in paragraph (1)(A), the Secretary shall, to the maximum extent practicable, ensure the safety and confidentiality of personal information of each individual who provides information from within Afghanistan.

(3) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

SA 4809. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 576. COUNTERING EXTREMISM IN THE ARMED FORCES.

(a) IN GENERAL.—The Secretary of Defense shall—

(1) promulgate policy that prohibits and defines participation in extremist activities;

(2) develop and implement programs, resources, and activities to counter extremism within the Armed Forces, including screening of publicly available information and Insider Threat Programs;

(3) collect and report data on incidents, allegations, investigations, disciplinary actions, and separations related to extremism, as well as publication of reports on these data in a regular, public, and transparent manner; and

(4) designate a senior official, to be known as the ''Senior Official for Countering Extremism'', within the Department of Defense as responsible for facilitation and coordination of the activities described in this subsection with personnel and readiness officials, law enforcement organizations, security organizations, insider threat programs, and watch lists related to extremism in the Armed Forces.

(b) TRAINING AND EDUCATION.—

(1) IN GENERAL.—The Secretary of each military department, in coordination with the Senior Official for Countering Extremism, shall develop and implement training and education programs and related materials to assist members of the Armed Forces and civilian employees of the Department of Defense in identifying, preventing, responding to, reporting, and mitigating the risk of extremist activities.

(2) CONTENT.—The training and education described in paragraph (1) shall include specific material for activities determined by the Senior Official for Countering Extremism as high risk for extremist activities, including recruitment activities and separating members of the Armed Forces.

(3) REQUIREMENTS.—The Secretary of Defense, in consultation with the Secretary of Homeland Security, shall provide the training and education described paragraph (1)—

(A) to a member of the Armed Forces, civilian employee of the Department of Defense, or an individual in a pre-commissioning program no less than once a year;

(B) to a member of the Armed Forces whose discharge (regardless of character of discharge) or release from active duty is anticipated as of a specific date within the time period specified under section 1142(a)(3) of title, United States Code;

(C) to a member of the Armed Forces performing recruitment activities within the 30 days prior to commencing such activities; and

(D) additionally as determined by the Secretary of Defense.

(c) PROGRESS REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the status of the implementation of this section.

SA 4810. Mrs. GILLIBRAND (for herself, Mr. RUBIO, Mr. HEINRICH, Mr. BLUNT, and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XV, insert the following:

SEC. ____. ESTABLISHMENT OF STRUCTURE AND AUTHORITIES TO ADDRESS UNIDENTIFIED AERIAL PHENOMENA.

(a) ESTABLISHMENT OF ANOMALY SURVEILLANCE, TRACKING, AND RESOLUTION OFFICE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Director of National Intelligence, establish an office within an appropriate component of the Department of Defense, or within a joint organization of the Department of Defense and the Office of the Director of National Intelligence, to assume—

(A) the duties of the Unidentified Aerial Phenomenon Task Force, as in effect on the day before the date of the enactment of this Act; and

(B) such other duties as are required by this section.

(2) DESIGNATION.—The office established under paragraph (1) shall be known as the ''Anomaly Surveillance, Tracking, and Resolution Office'' (in this section referred to as the ''Office'').

(3) TERMINATION OR SUBORDINATION OF PRIOR TASK FORCE.—Upon the establishment of the Anomaly Surveillance, Tracking, and Resolution Office, the Secretary shall terminate the Unidentified Aerial Phenomenon Task Force or subordinate it to the Office.

(b) FACILITATION OF REPORTING AND DATA SHARING.—The Director and the Secretary shall each, in coordination with each other, require that—

(1) each element of the intelligence community and the Department, with any data that may be relevant to the investigation of unidentified aerial phenomena, make such data available immediately to the Office; and

(2) military and civilian personnel employed by or under contract to the Department or an element of the intelligence community shall have access to procedures by which they shall report incidents or information, including adverse physiological effects, involving or associated with unidentified aerial phenomena directly to the Office.

(c) DUTIES.—The duties of the Office established under subsection (a) shall include the following:

(1) Developing procedures to synchronize and standardize the collection, reporting, and analysis of incidents, including adverse physiological effects, regarding unidentified aerial phenomena across the Department and in consultation with the intelligence community.

(2) Developing processes and procedures to ensure that such incidents from each component of the Department and each element of the intelligence community are reported and incorporated in a centralized repository.

(3) Establishing procedures to require the timely and consistent reporting of such incidents.

(4) Evaluating links between unidentified aerial phenomena and adversarial foreign governments, other foreign governments, or nonstate actors.

(5) Evaluating the threat that such incidents present to the United States.

(6) Consulting with other departments and agencies of the Federal Government, as appropriate, including the Federal Aviation Administration, the National Aeronautics and Space Administration, the Department of Homeland Security, the National Oceanic and Atmospheric Administration, and the Department of Energy.

(7) Consulting with allies and partners of the United States, as appropriate, to better assess the nature and extent of unidentified aerial phenomena.

(8) Preparing reports for Congress, in both classified and unclassified form, as required by subsections (h) and (i).

(d) EMPLOYMENT OF LINE ORGANIZATIONS FOR FIELD INVESTIGATIONS OF UNIDENTIFIED AERIAL PHENOMENA.—

(1) IN GENERAL.—The Secretary shall, in coordination with the Director, designate line organizations within the Department of Defense and the intelligence community that possess appropriate expertise, authorities, accesses, data, systems, platforms, and capabilities to rapidly respond to, and conduct field investigations of, incidents involving unidentified aerial phenomena under the direction of the Office.

(2) PERSONNEL, EQUIPMENT, AND RESOURCES.—The Secretary, in coordination with the Director, shall take such actions as may be necessary to ensure that the designated organization or organizations have available adequate personnel with requisite expertise, equipment, transportation, and other resources necessary to respond rapidly to incidents or patterns of observations of unidentified aerial phenomena of which the Office becomes aware.

(e) UTILIZATION OF LINE ORGANIZATIONS FOR SCIENTIFIC, TECHNOLOGICAL, AND OPERATIONAL ANALYSES OF DATA ON UNIDENTIFIED AERIAL PHENOMENA.—

(1) IN GENERAL.—The Secretary, in coordination with the Director, shall designate one or more line organizations that will be primarily responsible for scientific, technical, and operational analysis of data gathered by field investigations conducted under subsection (d), or data from other sources, including testing of materials, medical studies, and development of theoretical models to better understand and explain unidentified aerial phenomena.

(2) AUTHORITY.—The Secretary and the Director shall promulgate such directives as necessary to ensure that the designated line organizations have authority to draw on special expertise of persons outside the Federal Government with appropriate security clearances.

(f) INTELLIGENCE COLLECTION AND ANALYSIS PLAN.—

(1) IN GENERAL.—The head of the Office shall supervise the development and execution of an intelligence collection and analysis plan on behalf of the Secretary and the Director to gain as much knowledge as possible regarding the technical and operational characteristics, origins, and intentions of unidentified aerial phenomena, including the development, acquisition, deployment, and operation of technical collection capabilities necessary to detect, identify, and scientifically characterize unidentified aerial phenomena.

(2) USE OF RESOURCES AND CAPABILITIES.—In developing the plan required by paragraph (1), the head of the Office shall consider and propose, as appropriate, the use of any resource, capability, asset, or process of the Department and the intelligence community.

(g) SCIENCE PLAN.—The head of the Office shall supervise the development and execution of a science plan on behalf of the Secretary and the Director to develop and test, as practicable, scientific theories to account for characteristics and performance of unidentified aerial phenomena that exceed the known state of the art in science or technology, including in the areas of propulsion, aerodynamic control, signatures, structures, materials, sensors, countermeasures, weapons, electronics, and power generation, and to provide the foundation for potential future investments to replicate any such advanced characteristics and performance.

(h) ASSIGNMENT OF PRIORITY.—The Director, in consultation with, and with the recommendation of the Secretary, shall assign an appropriate level of priority within the National Intelligence Priorities Framework to the requirement to understand, characterize, and respond to unidentified aerial phenomena.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the work of the Office, including—

(1) general intelligence gathering and intelligence analysis; and

(2) strategic defense, space defense, defense of controlled air space, defense of ground, air, or naval assets, and related purposes.

(j) ANNUAL REPORT.—

(1) REQUIREMENT.—Not later than October 31, 2022, and annually thereafter until October 31, 2026, the Secretary in consultation with the Director, shall submit to the appropriate committees of Congress a report on unidentified aerial phenomena.

(2) ELEMENTS.—Each report under paragraph (1) shall include, with respect to the year covered by the report, the following information:

(A) An analysis of data and intelligence received through reports of unidentified aerial phenomena.

(B) An analysis of data relating to unidentified aerial phenomena collected through—

(i) geospatial intelligence

(ii) signals intelligence;

(iii) human intelligence; and

(iv) measurement and signals intelligence.

(C) The number of reported incidents of unidentified aerial phenomena over restricted air space of the United States.

(D) An analysis of such incidents identified under subparagraph (C).

(E) Identification of potential aerospace or other threats posed by unidentified aerial phenomena to the national security of the United States.

(F) An assessment of any activity regarding unidentified aerial phenomena that can be attributed to one or more adversarial foreign governments.

(G) Identification of any incidents or patterns regarding unidentified aerial phenomena that indicate a potential adversarial foreign government may have achieved a breakthrough aerospace capability.

(H) An update on the coordination by the United States with allies and partners on efforts to track, understand, and address unidentified aerial phenomena.

(I) An update on any efforts to capture or exploit discovered unidentified aerial phenomena.

(J) An assessment of any health-related effects for individuals who have encountered unidentified aerial phenomena.

(K) The number of reported incidents, and descriptions thereof, of unidentified aerial phenomena associated with military nuclear assets, including strategic nuclear weapons and nuclear-powered ships and submarines.

(L) In consultation with the Administrator of the National Nuclear Security Administration, the number of reported incidents, and descriptions thereof, of unidentified aerial phenomena associated with facilities or assets associated with the production, transportation, or storage of nuclear weapons or components thereof.

(M) In consultation with the Chairman of the Nuclear Regulatory Commission, the number of reported incidents, and descriptions thereof, of unidentified aerial phenomena or drones of unknown origin associated with nuclear power generating stations, nuclear fuel storage sites, or other sites or facilities regulated by the Nuclear Regulatory Commission.

(N) The names of the line organizations that have been designated to perform the specific functions imposed by subsections (d) and (e) of this section, and the specific functions for which each such line organization has been assigned primary responsibility.

(3) FORM.— Each report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(k) SEMIANNUAL BRIEFINGS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and not less frequently than semiannually thereafter until December 31, 2026, the head of the Office shall provide the classified briefings on unidentified aerial phenomena to—

(A) the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

(2) FIRST BRIEFING.—The first briefing provided under paragraph (1) shall include all incidents involving unidentified aerial phenomena that were reported to the Unidentified Aerial Phenomena Task Force or to the Office after June 24, 2021, regardless of the date of occurrence of the incident.

(3) SUBSEQUENT BRIEFINGS.—Each briefing provided subsequent to the first briefing described in paragraph (2) shall include, at a minimum, all events relating to unidentified aerial phenomena that occurred during the previous 180 days, and events relating to unidentified aerial phenomena that were not included in an earlier briefing due to delay in an incident reaching the reporting system or other such factors.

(4) INSTANCES IN WHICH DATA WAS NOT SHARED.—For each briefing period, the Chairman and Vice Chairman or Ranking Member of the Committee on Armed Services and the Select Committee on Intelligence of the Senate and the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives shall receive an enumeration of any instances in which data related to unidentified aerial phenomena was denied to the Office because of classification restrictions on that data or for any other reason.

(l) AERIAL AND TRANSMEDIUM PHENOMENA ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—(A) Not later than October 1, 2022, the Secretary and the Director shall establish an advisory committee for the purpose of—

(i) advising the Office in the execution of the duties of the Office as provided by this subsection; and

(ii) advising the Secretary and the Director regarding the gathering and analysis of data, and scientific research and development pertaining to unidentified aerial phenomena.

(B) The advisory committee established under subparagraph (A) shall be known as the ''Aerial and Transmedium Phenomena Advisory Committee'' (in this subparagraph the ''Committee'').

(2) MEMBERSHIP.—(A) Subject to subparagraph (B), the Committee shall be composed of members as follows:

(i) 20 members selected by the Secretary as follows:

(I) Three members selected from among individuals recommended by the Administrator of the National Astronautics and Space Administration.

(II) Two members selected from among individuals recommended by the Administrator of the Federal Aviation Administration.

(III) Two members selected from among individuals recommended by the President of the National Academies of Sciences.

(IV) Two members selected from among individuals recommended by the President of the National Academy of Engineering.

(V) One member selected from among individuals recommended by the President of the National Academy of Medicine.

(VI) Three members selected from among individuals recommended by the Director of the Galileo Project at Harvard University.

(VII) Two members selected from among individuals recommended by the Board of Directors of the Scientific Coalition for Unidentified Aerospace Phenomena Studies.

(VIII) Two members selected from among individuals recommended by the President of the American Institute of Astronautics and Aeronautics.

(IX) Two members selected from among individuals recommended by the Director of the Optical Technology Center at Montana State University.

(X) One member selected from among individuals recommended by the president of the American Society for Photogrammetry and Remote Sensing.

(ii) Up to five additional members, as the Secretary, in consultation with the Director, considers appropriate, selected from among individuals with requisite expertise, at least

3 of whom shall not be employees of any Federal Government agency or Federal Government contractor.

(B) No individual may be appointed to the Committee under subparagraph (A) unless the Secretary and the Directly jointly determine that the individual—

(i) qualifies for a security clearance at the secret level or higher;

(ii) possesses scientific, medical, or technical expertise pertinent to some aspect of the investigation and analysis of unidentified aerial phenomena; and

(iii) has previously conducted research or writing that demonstrates scientific, technological, or operational knowledge regarding aspects of the subject matter, including propulsion, aerodynamic control, signatures, structures, materials, sensors, countermeasures, weapons, electronics, power generation, field investigations, forensic examination of particular cases, analysis of open source and classified information regarding domestic and foreign research and commentary, and historical information pertaining to unidentified aerial phenomena.

(C) The Secretary and Director may terminate the membership of any individual on the Committee upon a finding by the Secretary and the Director jointly that the member no longer meets the criteria specified in this subsection.

(3) CHAIRPERSON.—The Secretary shall, in coordination with the Director, designate a temporary Chairperson of the Committee, but at the earliest practicable date the Committee shall elect a Chairperson from among its members, who will serve a term of 2 years, and is eligible for re-election.

(4) EXPERT ASSISTANCE, ADVICE, AND RECOMMENDATIONS.—(A) The Committee may, upon invitation of the head of the Office, provide expert assistance or advice to any line organization designated to carry out field investigations or data analysis as authorized by subsections (d) and (e).

(B) The Committee, on its own initiative, or at the request of the Director, the Secretary, or the head of the Office, may provide advice and recommendations regarding best practices with respect to the gathering and analysis of data on unidentified aerial phenomena in general, or commentary regarding specific incidents, cases, or classes of unidentified aerial phenomena.

(5) REPORT.—Not later than December 31, 2022, and not later than December 31 of each year thereafter, the Committee shall submit a report summarizing its activities and recommendations to the following:

(A) The Secretary.

(B) The Director.

(C) The head of the Office.

(D) The Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate.

(E) The Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

(6) RELATION TO FACA.—For purposes of the Federal Advisory Committee Act (5 U.S.C. App.), the Committee shall be considered an advisory committee (as defined in section 3 of such Act, except as otherwise provided in the section or as jointly deemed warranted by the Secretary and the Director under section 4(b)(3) of such Act.

(7) TERMINATION OF COMMITTEE.—The Committee shall terminate on the date that is six years after the date of the establishment of the Committee.

(m) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Select Committee on Intelligence, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) The term ''intelligence community'' has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(3) The term ''transmedium objects or devices'' means objects or devices that are observed to transition between space and the atmosphere, or between the atmosphere and bodies of water, that are not immediately identifiable.

(4) The term ''unidentified aerial phenomena'' means—

(A) airborne objects that are not immediately identifiable;

(B) transmedium objects or devices; and

(C) submerged objects or devices that are not immediately identifiable and that display behavior or performance characteristics suggesting that they may be related to the subjects described in subparagraph (A) or (B).

SA 4811. Mr. TUBERVILLE (for himself and Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITING THE INTERNAL REVENUE SERVICE FROM REQUIRING FINANCIAL INSTITUTIONS TO REPORT ON FINANCIAL TRANSACTIONS OF CUSTOMERS.

(a) IN GENERAL.—Subject to subsection (b), the Internal Revenue Service shall not be permitted to create or implement any new financial account information reporting program that—

(1) was not in effect as of October 1, 2021, and

(2) would require financial institutions to report data on financial accounts in an information return listing balances, transactions, transfers, or inflows or outflows of any kind.

(b) RULE OF CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this section shall preempt, limit, or supersede, or be construed to preempt, limit, or supersede, any provision of, or requirement under, the Bank Secrecy Act or any regulations promulgated under such Act.

(2) DEFINITION.—For purposes of this subsection, the term ''Bank Secrecy Act'' means—

(A) section 21 of the Federal Deposit Insurance Act (12 U.S.C. 1829b),

(B) chapter 2 of title I of Public Law 91–508 (12 U.S.C. 1951 et seq.), and

(C) subchapter II of chapter 53 of title 31, United States Code.

SA 4812. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITING TSP INVESTMENT IN CHINA.

(a) FINDINGS.—Congress finds the following:

(1) The Thrift Savings Fund invests more than $700,000,000,000 on behalf of plan participants. As the guardian of the retirement funds of approximately 6,000,000 Federal civilian and military plan participants, it is critical that sums in the Thrift Savings Fund are not invested in securities linked to the economy of the People's Republic of China.

(2) Companies headquartered in the People's Republic of China have repeatedly committed corporate espionage, violated sanctions imposed by the United States, flouted international property laws, committed theft, and failed to comply with audit and regulatory standards designed to safeguard investors.

(3) The Thrift Savings Plan is known for its low management fees and comprehensive array of investment strategies. The provisions of this section, and the amendments made by this section, will not increase fees imposed on participants of the Thrift Savings Plan.

(4) The November 2017 selection of the MSCI ACWI Index by the Federal Retirement Thrift Investment Board, initially scheduled to be effective in 2020, would violate the terms of subsection (i) of section 8438 of title 5, United States Code, as added by subsection (b)(1) of this section.

(b) PROHIBITION ON ANY TSP FUND INVESTING IN ENTITIES BASED IN THE PEOPLE'S REPUBLIC OF CHINA.—

(1) IN GENERAL.—Section 8438 of title 5, United States Code, is amended by adding at the end the following:

''(i) Notwithstanding any other provision of this section, no fund established or overseen by the Board may include an investment in any security of—

''(1) an entity based in the People's Republic of China; or

''(2) any subsidiary that is owned or operated by an entity described in paragraph (1).''.

(2) DIVESTITURE OF ASSETS.—Not later than 30 days after the date of enactment of this Act, the Federal Retirement Thrift Investment Board established under section 8472(a) of title 5, United States Code, shall—

(A) review whether any sums in the Thrift Savings Fund are invested in violation of subsection (i) of section 8438 of that title, as added by paragraph (1) of this subsection;

(B) if any sums are invested in the manner described in subparagraph (A), divest those sums in a manner that is consistent with the legal and fiduciary duties provided under chapter 84 of that title, or any other applicable provision of law; and

(C) reinvest any sums divested under subparagraph (B) in investments that do not violate subsection (i) of section 8438 of that title, as added by paragraph (1) of this subsection.

(c) PROHIBITION ON INVESTMENT OF TSP FUNDS IN ENTITIES BASED IN THE PEOPLE'S REPUBLIC OF CHINA THROUGH THE TSP MUTUAL FUND WINDOW.—Section 8438(b)(5) of title 5, United States Code, is amended by adding at the end the following:

''(E) A mutual fund accessible through a mutual fund window authorized under this

paragraph may not include an investment in any security of—

''(i) an entity based in the People's Republic of China; or

''(ii) any subsidiary that is owned or operated by an entity described in clause (i).''.

SA 4813. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—CYBER INCIDENT REPORTING ACT OF 2021 AND CISA TECHNICAL CORRECTIONS AND IMPROVEMENTS ACT OF 2021

TITLE LI—CYBER INCIDENT REPORTING ACT OF 2021

SEC. 5101. SHORT TITLE.

This title may be cited as the ''Cyber Incident Reporting Act of 2021''.

SEC. 5102. DEFINITIONS.

In this title:

(1) COVERED CYBER INCIDENT; COVERED ENTITY; CYBER INCIDENT.—The terms ''covered cyber incident'', ''covered entity'', and ''cyber incident'' have the meanings given those terms in section 2230 of the Homeland Security Act of 2002, as added by section 5103 of this title.

(2) DIRECTOR.—The term ''Director'' means the Director of the Cybersecurity and Infrastructure Security Agency.

(3) INFORMATION SYSTEM; RANSOM PAYMENT; RANSOMWARE ATTACK; SECURITY VULNERABILITY.—The terms ''information system'', ''ransom payment'', ''ransomware attack'', and ''security vulnerability'' have the meanings given those terms in section 2200 of the Homeland Security Act of 2002, as added by section 5203 of this division.

SEC. 5103. CYBER INCIDENT REPORTING.

(a) CYBER INCIDENT REPORTING.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended—

(1) in section 2209(b) (6 U.S.C. 659(b)), as so redesignated by section 5203(b) of this division—

(A) in paragraph (11), by striking ''and'' at the end;

(B) in paragraph (12), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(13) receiving, aggregating, and analyzing reports related to covered cyber incidents (as defined in section 2230) submitted by covered entities (as defined in section 2230) and reports related to ransom payments submitted by entities in furtherance of the activities specified in sections 2202(e), 2203, and 2231, this subsection, and any other authorized activity of the Director, to enhance the situational awareness of cybersecurity threats across critical infrastructure sectors.''; and

(2) by adding at the end the following:

''Subtitle C—Cyber Incident Reporting

''SEC. 2230. DEFINITIONS.

''In this subtitle:

''(1) CENTER.—The term 'Center' means the center established under section 2209.

''(2) COUNCIL.—The term 'Council' means the Cyber Incident Reporting Council described in section 1752(c)(1)(H) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 1500(c)(1)(H)).

''(3) COVERED CYBER INCIDENT.—The term 'covered cyber incident' means a substantial cyber incident experienced by a covered entity that satisfies the definition and criteria established by the Director in the final rule issued pursuant to section 2232(b).

''(4) COVERED ENTITY.—The term 'covered entity' means—

''(A) any Federal contractor; or

''(B) an entity that owns or operates critical infrastructure that satisfies the definition established by the Director in the final rule issued pursuant to section 2232(b).

''(5) CYBER INCIDENT.—The term 'cyber incident' has the meaning given the term 'incident' in section 2200.

''(6) CYBER THREAT.—The term 'cyber threat'—

''(A) has the meaning given the term 'cybersecurity threat' in section 2200; and

''(B) does not include any activity related to good faith security research, including participation in a bug-bounty program or a vulnerability disclosure program.

''(7) FEDERAL CONTRACTOR.—The term 'Federal contractor' means a business, nonprofit organization, or other private sector entity that holds a Federal Government contract or subcontract at any tier, grant, cooperative agreement, or other transaction agreement, unless that entity is a party only to—

''(A) a service contract to provide housekeeping or custodial services; or

''(B) a contract to provide products or services unrelated to information technology that is below the micro-purchase threshold, as defined in section 2.101 of title 48, Code of Federal Regulations, or any successor regulation.

''(8) FEDERAL ENTITY; INFORMATION SYSTEM; SECURITY CONTROL.—The terms 'Federal entity', 'information system', and 'security control' have the meanings given those terms in section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501).

''(9) SIGNIFICANT CYBER INCIDENT.—The term 'significant cyber incident' means a cybersecurity incident, or a group of related cybersecurity incidents, that the Secretary determines is likely to result in demonstrable harm to the national security interests, foreign relations, or economy of the United States or to the public confidence, civil liberties, or public health and safety of the people of the United States.

''(10) SMALL ORGANIZATION.—The term 'small organization'—

''(A) means—

''(i) a small business concern, as defined in section 3 of the Small Business Act (15 U.S.C. 632); or

''(ii) any nonprofit organization, including faith-based organizations and houses of worship, or other private sector entity with fewer than 200 employees (determined on a full-time equivalent basis); and

''(B) does not include—

''(i) a business, nonprofit organization, or other private sector entity that is a covered entity; or

''(ii) a Federal contractor.

''SEC. 2231. CYBER INCIDENT REVIEW.

''(a) ACTIVITIES.—The Center shall—

''(1) receive, aggregate, analyze, and secure, using processes consistent with the processes developed pursuant to the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501 et seq.) reports from covered entities related to a covered cyber incident to assess the effectiveness of security controls, identify tactics, techniques, and procedures adversaries use to overcome those controls and other cybersecurity purposes, including to support law enforcement investigations, to assess potential impact of incidents on public health and safety, and to have a more accurate picture of the cyber threat to critical infrastructure and the people of the United States;

''(2) receive, aggregate, analyze, and secure reports to lead the identification of tactics, techniques, and procedures used to perpetuate cyber incidents and ransomware attacks;

''(3) coordinate and share information with appropriate Federal departments and agencies to identify and track ransom payments, including those utilizing virtual currencies;

''(4) leverage information gathered about cybersecurity incidents to—

''(A) enhance the quality and effectiveness of information sharing and coordination efforts with appropriate entities, including agencies, sector coordinating councils, information sharing and analysis organizations, technology providers, critical infrastructure owners and operators, cybersecurity and incident response firms, and security researchers; and

''(B) provide appropriate entities, including agencies, sector coordinating councils, information sharing and analysis organizations, technology providers, cybersecurity and incident response firms, and security researchers, with timely, actionable, and anonymized reports of cyber incident campaigns and trends, including, to the maximum extent practicable, related contextual information, cyber threat indicators, and defensive measures, pursuant to section 2235;

''(5) establish mechanisms to receive feedback from stakeholders on how the Agency can most effectively receive covered cyber incident reports, ransom payment reports, and other voluntarily provided information;

''(6) facilitate the timely sharing, on a voluntary basis, between relevant critical infrastructure owners and operators of information relating to covered cyber incidents and ransom payments, particularly with respect to ongoing cyber threats or security vulnerabilities and identify and disseminate ways to prevent or mitigate similar incidents in the future;

''(7) for a covered cyber incident, including a ransomware attack, that also satisfies the definition of a significant cyber incident, or is part of a group of related cyber incidents that together satisfy such definition, conduct a review of the details surrounding the covered cyber incident or group of those incidents and identify and disseminate ways to prevent or mitigate similar incidents in the future;

''(8) with respect to covered cyber incident reports under section 2232(a) and 2233 involving an ongoing cyber threat or security vulnerability, immediately review those reports for cyber threat indicators that can be anonymized and disseminated, with defensive measures, to appropriate stakeholders, in coordination with other divisions within the Agency, as appropriate;

''(9) publish quarterly unclassified, public reports that may be based on the unclassified information contained in the briefings required under subsection (c);

''(10) proactively identify opportunities and perform analyses, consistent with the protections in section 2235, to leverage and utilize data on ransomware attacks to support law enforcement operations to identify, track, and seize ransom payments utilizing virtual currencies, to the greatest extent practicable;

''(11) proactively identify opportunities, consistent with the protections in section 2235, to leverage and utilize data on cyber incidents in a manner that enables and strengthens cybersecurity research carried out by academic institutions and other private sector organizations, to the greatest extent practicable;

''(12) on a not less frequently than annual basis, analyze public disclosures made pursuant to parts 229 and 249 of title 17, Code of Federal Regulations, or any subsequent document submitted to the Securities and Exchange Commission by entities experiencing cyber incidents and compare such disclosures to reports received by the Center; and

''(13) in accordance with section 2235 and subsection (b) of this section, as soon as possible but not later than 24 hours after receiving a covered cyber incident report, ransom payment report, voluntarily submitted information pursuant to section 2233, or information received pursuant to a request for information or subpoena under section 2234, make available the information to appropriate Sector Risk Management Agencies and other appropriate Federal agencies.

''(b) INTERAGENCY SHARING.—The National Cyber Director, in consultation with the Director and the Director of the Office of Management and Budget—

''(1) may establish a specific time requirement for sharing information under subsection (a)(13); and

''(2) shall determine the appropriate Federal agencies under subsection (a)(13).

''(c) PERIODIC BRIEFING.—Not later than 60 days after the effective date of the final rule required under section 2232(b), and on the first day of each month thereafter, the Director, in consultation with the National Cyber Director, the Attorney General, and the Director of National Intelligence, shall provide to the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, the minority leader of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a briefing that characterizes the national cyber threat landscape, including the threat facing Federal agencies and covered entities, and applicable intelligence and law enforcement information, covered cyber incidents, and ransomware attacks, as of the date of the briefing, which shall—

''(1) include the total number of reports submitted under sections 2232 and 2233 during the preceding month, including a breakdown of required and voluntary reports;

''(2) include any identified trends in covered cyber incidents and ransomware attacks over the course of the preceding month and as compared to previous reports, including any trends related to the information collected in the reports submitted under sections 2232 and 2233, including—

''(A) the infrastructure, tactics, and techniques malicious cyber actors commonly use; and

''(B) intelligence gaps that have impeded, or currently are impeding, the ability to counter covered cyber incidents and ransomware threats;

''(3) include a summary of the known uses of the information in reports submitted under sections 2232 and 2233; and

''(4) be unclassified, but may include a classified annex.

''SEC. 2232. REQUIRED REPORTING OF CERTAIN CYBER INCIDENTS.

''(a) IN GENERAL.—

''(1) COVERED CYBER INCIDENT REPORTS.—A covered entity that is a victim of a covered cyber incident shall report the covered cyber incident to the Director not later than 72 hours after the covered entity reasonably believes that the covered cyber incident has occurred.

''(2) RANSOM PAYMENT REPORTS.—A covered entity, except for an individual or a small organization, that makes a ransom payment as the result of a ransomware attack against the covered entity shall report the payment to the Director not later than 24 hours after the ransom payment has been made.

''(3) SUPPLEMENTAL REPORTS.—A covered entity shall promptly submit to the Director an update or supplement to a previously submitted covered cyber incident report if new or different information becomes available or if the covered entity makes a ransom payment after submitting a covered cyber incident report required under paragraph (1).

''(4) PRESERVATION OF INFORMATION.—Any covered entity subject to requirements of paragraph (1), (2), or (3) shall preserve data relevant to the covered cyber incident or ransom payment in accordance with procedures established in the final rule issued pursuant to subsection (b).

''(5) EXCEPTIONS.—

''(A) REPORTING OF COVERED CYBER INCIDENT WITH RANSOM PAYMENT.—If a covered cyber incident includes a ransom payment such that the reporting requirements under paragraphs (1) and (2) apply, the covered entity may submit a single report to satisfy the requirements of both paragraphs in accordance with procedures established in the final rule issued pursuant to subsection (b).

''(B) SUBSTANTIALLY SIMILAR REPORTED INFORMATION.—The requirements under paragraphs (1), (2), and (3) shall not apply to an entity required by law, regulation, or contract to report substantially similar information to another Federal agency within a substantially similar timeframe.

''(C) DOMAIN NAME SYSTEM.—The requirements under paragraphs (1), (2) and (3) shall not apply to an entity or the functions of a covered entity that the Director determines constitute critical infrastructure owned, operated, or governed by multi-stakeholder organizations that develop, implement, and enforce policies concerning the Domain Name System, such as the Internet Corporation for Assigned Names and Numbers or the Internet Assigned Numbers Authority.

''(6) MANNER, TIMING, AND FORM OF REPORTS.—Reports made under paragraphs (1), (2), and (3) shall be made in the manner and form, and within the time period in the case of reports made under paragraph (3), prescribed in the final rule issued pursuant to subsection (b).

''(7) EFFECTIVE DATE.—Paragraphs (1) through (4) shall take effect on the dates prescribed in the final rule issued pursuant to subsection (b).

''(b) RULEMAKING.—

''(1) NOTICE OF PROPOSED RULEMAKING.—Not later than 2 years after the date of enactment of this section, the Director, in consultation with Sector Risk Management Agencies, the Department of Justice, and other Federal agencies, shall publish in the Federal Register a notice of proposed rulemaking to implement subsection (a).

''(2) FINAL RULE.—Not later than 18 months after publication of the notice of proposed rulemaking under paragraph (1), the Director shall issue a final rule to implement subsection (a).

''(3) SUBSEQUENT RULEMAKINGS.—

''(A) IN GENERAL.—The Director is authorized to issue regulations to amend or revise the final rule issued pursuant to paragraph (2).

''(B) PROCEDURES.—Any subsequent rules issued under subparagraph (A) shall comply with the requirements under chapter 5 of title 5, United States Code, including the issuance of a notice of proposed rulemaking under section 553 of such title.

''(c) ELEMENTS.—The final rule issued pursuant to subsection (b) shall be composed of the following elements:

''(1) A clear description of the types of entities that constitute covered entities, based on—

''(A) the consequences that disruption to or compromise of such an entity could cause to national security, economic security, or public health and safety;

''(B) the likelihood that such an entity may be targeted by a malicious cyber actor, including a foreign country; and

''(C) the extent to which damage, disruption, or unauthorized access to such an entity, including the accessing of sensitive cybersecurity vulnerability information or penetration testing tools or techniques, will likely enable the disruption of the reliable operation of critical infrastructure.

''(2) A clear description of the types of substantial cyber incidents that constitute covered cyber incidents, which shall—

''(A) at a minimum, require the occurrence of—

''(i) the unauthorized access to an information system or network with a substantial loss of confidentiality, integrity, or availability of such information system or network, or a serious impact on the safety and resiliency of operational systems and processes;

''(ii) a disruption of business or industrial operations due to a cyber incident; or

''(iii) an occurrence described in clause (i) or (ii) due to loss of service facilitated through, or caused by, a compromise of a cloud service provider, managed service provider, or other third-party data hosting provider or by a supply chain compromise;

''(B) consider—

''(i) the sophistication or novelty of the tactics used to perpetrate such an incident, as well as the type, volume, and sensitivity of the data at issue;

''(ii) the number of individuals directly or indirectly affected or potentially affected by such an incident; and

''(iii) potential impacts on industrial control systems, such as supervisory control and data acquisition systems, distributed control systems, and programmable logic controllers; and

''(C) exclude—

''(i) any event where the cyber incident is perpetuated by good faith security research or in response to an invitation by the owner or operator of the information system for third parties to find vulnerabilities in the information system, such as through a vulnerability disclosure program or the use of authorized penetration testing services; and

''(ii) the threat of disruption as extortion, as described in section 2201(9)(A).

''(3) A requirement that, if a covered cyber incident or a ransom payment occurs following an exempted threat described in paragraph (2)(C)(ii), the entity shall comply with the requirements in this subtitle in reporting the covered cyber incident or ransom payment.

''(4) A clear description of the specific required contents of a report pursuant to subsection (a)(1), which shall include the following information, to the extent applicable and available, with respect to a covered cyber incident:

''(A) A description of the covered cyber incident, including—

''(i) identification and a description of the function of the affected information systems, networks, or devices that were, or are reasonably believed to have been, affected by such incident;

''(ii) a description of the unauthorized access with substantial loss of confidentiality, integrity, or availability of the affected information system or network or disruption of business or industrial operations;

''(iii) the estimated date range of such incident; and

''(iv) the impact to the operations of the covered entity.

''(B) Where applicable, a description of the vulnerabilities, tactics, techniques, and procedures used to perpetuate the covered cyber incident.

''(C) Where applicable, any identifying or contact information related to each actor reasonably believed to be responsible for such incident.

''(D) Where applicable, identification of the category or categories of information that were, or are reasonably believed to have been, accessed or acquired by an unauthorized person.

''(E) The name and other information that clearly identifies the entity impacted by the covered cyber incident.

''(F) Contact information, such as telephone number or electronic mail address, that the Center may use to contact the covered entity or an authorized agent of such covered entity, or, where applicable, the service provider of such covered entity acting with the express permission of, and at the direction of, the covered entity to assist with compliance with the requirements of this subtitle.

''(5) A clear description of the specific required contents of a report pursuant to subsection (a)(2), which shall be the following information, to the extent applicable and available, with respect to a ransom payment:

''(A) A description of the ransomware attack, including the estimated date range of the attack.

''(B) Where applicable, a description of the vulnerabilities, tactics, techniques, and procedures used to perpetuate the ransomware attack.

''(C) Where applicable, any identifying or contact information related to the actor or actors reasonably believed to be responsible for the ransomware attack.

''(D) The name and other information that clearly identifies the entity that made the ransom payment.

''(E) Contact information, such as telephone number or electronic mail address, that the Center may use to contact the entity that made the ransom payment or an authorized agent of such covered entity, or, where applicable, the service provider of such covered entity acting with the express permission of, and at the direction of, that entity to assist with compliance with the requirements of this subtitle.

''(F) The date of the ransom payment.

''(G) The ransom payment demand, including the type of virtual currency or other commodity requested, if applicable.

''(H) The ransom payment instructions, including information regarding where to send the payment, such as the virtual currency address or physical address the funds were requested to be sent to, if applicable.

''(I) The amount of the ransom payment.

''(6) A clear description of the types of data required to be preserved pursuant to subsection (a)(4) and the period of time for which the data is required to be preserved.

''(7) Deadlines for submitting reports to the Director required under subsection (a)(3), which shall—

''(A) be established by the Director in consultation with the Council;

''(B) consider any existing regulatory reporting requirements similar in scope, purpose, and timing to the reporting requirements to which such a covered entity may also be subject, and make efforts to harmonize the timing and contents of any such reports to the maximum extent practicable; and

''(C) balance the need for situational awareness with the ability of the covered entity to conduct incident response and investigations.

''(8) Procedures for—

''(A) entities to submit reports required by paragraphs (1), (2), and (3) of subsection (a), including the manner and form thereof, which shall include, at a minimum, a concise, user-friendly web-based form;

''(B) the Agency to carry out the enforcement provisions of section 2233, including with respect to the issuance, service, withdrawal, and enforcement of subpoenas, appeals and due process procedures, the suspension and debarment provisions in section 2234(c), and other aspects of noncompliance;

''(C) implementing the exceptions provided in subsection (a)(5); and

''(D) protecting privacy and civil liberties consistent with processes adopted pursuant to section 105(b) of the Cybersecurity Act of 2015 (6 U.S.C. 1504(b)) and anonymizing and safeguarding, or no longer retaining, information received and disclosed through covered cyber incident reports and ransom payment reports that is known to be personal information of a specific individual or information that identifies a specific individual that is not directly related to a cybersecurity threat.

''(9) A clear description of the types of entities that constitute other private sector entities for purposes of section 2230(b)(7).

''(d) THIRD PARTY REPORT SUBMISSION AND RANSOM PAYMENT.—

''(1) REPORT SUBMISSION.—An entity, including a covered entity, that is required to submit a covered cyber incident report or a ransom payment report may use a third party, such as an incident response company, insurance provider, service provider, information sharing and analysis organization, or law firm, to submit the required report under subsection (a).

''(2) RANSOM PAYMENT.—If an entity impacted by a ransomware attack uses a third party to make a ransom payment, the third party shall not be required to submit a ransom payment report for itself under subsection (a)(2).

''(3) DUTY TO REPORT.—Third-party reporting under this subparagraph does not relieve a covered entity or an entity that makes a ransom payment from the duty to comply with the requirements for covered cyber incident report or ransom payment report submission.

''(4) RESPONSIBILITY TO ADVISE.—Any third party used by an entity that knowingly makes a ransom payment on behalf of an entity impacted by a ransomware attack shall advise the impacted entity of the responsibilities of the impacted entity regarding reporting ransom payments under this section.

''(e) OUTREACH TO COVERED ENTITIES.—

''(1) IN GENERAL.—The Director shall conduct an outreach and education campaign to inform likely covered entities, entities that offer or advertise as a service to customers to make or facilitate ransom payments on behalf of entities impacted by ransomware attacks, potential ransomware attack victims, and other appropriate entities of the requirements of paragraphs (1), (2), and (3) of subsection (a).

''(2) ELEMENTS.—The outreach and education campaign under paragraph (1) shall include the following:

''(A) An overview of the final rule issued pursuant to subsection (b).

''(B) An overview of mechanisms to submit to the Center covered cyber incident reports and information relating to the disclosure, retention, and use of incident reports under this section.

''(C) An overview of the protections afforded to covered entities for complying with the requirements under paragraphs (1), (2), and (3) of subsection (a).

''(D) An overview of the steps taken under section 2234 when a covered entity is not in compliance with the reporting requirements under subsection (a).

''(E) Specific outreach to cybersecurity vendors, incident response providers, cybersecurity insurance entities, and other entities that may support covered entities or ransomware attack victims.

''(F) An overview of the privacy and civil liberties requirements in this subtitle.

''(3) COORDINATION.—In conducting the outreach and education campaign required under paragraph (1), the Director may coordinate with—

''(A) the Critical Infrastructure Partnership Advisory Council established under section 871;

''(B) information sharing and analysis organizations;

''(C) trade associations;

''(D) information sharing and analysis centers;

''(E) sector coordinating councils; and

''(F) any other entity as determined appropriate by the Director.

''(f) ORGANIZATION OF REPORTS.—Notwithstanding chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act'), the Director may request information within the scope of the final rule issued under subsection (b) by the alteration of existing questions or response fields and the reorganization and reformatting of the means by which covered cyber incident reports, ransom payment reports, and any voluntarily offered information is submitted to the Center.

''SEC. 2233. VOLUNTARY REPORTING OF OTHER CYBER INCIDENTS.

''(a) IN GENERAL.—Entities may voluntarily report incidents or ransom payments to the Director that are not required under paragraph (1), (2), or (3) of section 2232(a), but may enhance the situational awareness of cyber threats.

''(b) VOLUNTARY PROVISION OF ADDITIONAL INFORMATION IN REQUIRED REPORTS.—Entities may voluntarily include in reports required under paragraph (1), (2), or (3) of section 2232(a) information that is not required to be included, but may enhance the situational awareness of cyber threats.

''(c) APPLICATION OF PROTECTIONS.—The protections under section 2235 applicable to covered cyber incident reports shall apply in the same manner and to the same extent to reports and information submitted under subsections (a) and (b).

''SEC. 2234. NONCOMPLIANCE WITH REQUIRED REPORTING.

''(a) PURPOSE.—In the event that an entity that is required to submit a report under section 2232(a) fails to comply with the requirement to report, the Director may obtain information about the incident or ransom payment by engaging the entity directly to request information about the incident or ransom payment, and if the Director is unable to obtain information through such engagement, by issuing a subpoena to the entity, pursuant to subsection (c), to gather information sufficient to determine whether a covered cyber incident or ransom payment has occurred, and, if so, whether additional action is warranted pursuant to subsection (d).

''(b) INITIAL REQUEST FOR INFORMATION.—

''(1) IN GENERAL.—If the Director has reason to believe, whether through public reporting or other information in the possession of the Federal Government, including through analysis performed pursuant to paragraph (1) or (2) of section 2231(a), that an entity has experienced a covered cyber incident or made a ransom payment but failed to

report such incident or payment to the Center within 72 hours in accordance with section 2232(a), the Director shall request additional information from the entity to confirm whether or not a covered cyber incident or ransom payment has occurred.

''(2) TREATMENT.—Information provided to the Center in response to a request under paragraph (1) shall be treated as if it was submitted through the reporting procedures established in section 2232.

''(c) AUTHORITY TO ISSUE SUBPOENAS AND DEBAR.—

''(1) IN GENERAL.—If, after the date that is 72 hours from the date on which the Director made the request for information in subsection (b), the Director has received no response from the entity from which such information was requested, or received an inadequate response, the Director may issue to such entity a subpoena to compel disclosure of information the Director deems necessary to determine whether a covered cyber incident or ransom payment has occurred and obtain the information required to be reported pursuant to section 2232 and any implementing regulations.

''(2) CIVIL ACTION.—

''(A) IN GENERAL.—If an entity fails to comply with a subpoena, the Director may refer the matter to the Attorney General to bring a civil action in a district court of the United States to enforce such subpoena.

''(B) VENUE.—An action under this paragraph may be brought in the judicial district in which the entity against which the action is brought resides, is found, or does business.

''(C) CONTEMPT OF COURT.—A court may punish a failure to comply with a subpoena issued under this subsection as contempt of court.

''(3) NON-DELEGATION.—The authority of the Director to issue a subpoena under this subsection may not be delegated.

''(4) DEBARMENT OF FEDERAL CONTRACTORS.—If a covered entity that is a Federal contractor fails to comply with a subpoena issued under this subsection—

''(A) the Director may refer the matter to the Administrator of General Services; and

''(B) upon receiving a referral from the Director, the Administrator of General Services may impose additional available penalties, including suspension or debarment.

''(5) AUTHENTICATION.—

''(A) IN GENERAL.—Any subpoena issued electronically pursuant to this subsection shall be authenticated with a cryptographic digital signature of an authorized representative of the Agency, or other comparable successor technology, that allows the Agency to demonstrate that such subpoena was issued by the Agency and has not been altered or modified since such issuance.

''(B) INVALID IF NOT AUTHENTICATED.—Any subpoena issued electronically pursuant to this subsection that is not authenticated in accordance with subparagraph (A) shall not be considered to be valid by the recipient of such subpoena.

''(d) ACTIONS BY ATTORNEY GENERAL AND FEDERAL REGULATORY AGENCIES.—

''(1) IN GENERAL.—Notwithstanding section 2235(a) and subsection (b)(2) of this section, if the Attorney General or the appropriate Federal regulatory agency determines, based on information provided in response to a subpoena issued pursuant to subsection (c), that the facts relating to the covered cyber incident or ransom payment at issue may constitute grounds for a regulatory enforcement action or criminal prosecution, the Attorney General or the appropriate Federal regulatory agency may use that information for a regulatory enforcement action or criminal prosecution.

''(2) APPLICATION TO CERTAIN ENTITIES AND THIRD PARTIES.—A covered cyber incident or ransom payment report submitted to the Center by an entity that makes a ransom payment or third party under section 2232 shall not be used by any Federal, State, Tribal, or local government to investigate or take another law enforcement action against the entity that makes a ransom payment or third party.

''(3) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to provide an entity that submits a covered cyber incident report or ransom payment report under section 2232 any immunity from law enforcement action for making a ransom payment otherwise prohibited by law.

''(e) CONSIDERATIONS.—When determining whether to exercise the authorities provided under this section, the Director shall take into consideration—

''(1) the size and complexity of the entity;

''(2) the complexity in determining if a covered cyber incident has occurred; and

''(3) prior interaction with the Agency or awareness of the entity of the policies and procedures of the Agency for reporting covered cyber incidents and ransom payments.

''(f) EXCLUSIONS.—This section shall not apply to a State, local, Tribal, or territorial government entity.

''(g) REPORT TO CONGRESS.—The Director shall submit to Congress an annual report on the number of times the Director—

''(1) issued an initial request for information pursuant to subsection (b);

''(2) issued a subpoena pursuant to subsection (c); or

''(3) referred a matter to the Attorney General for a civil action pursuant to subsection (c)(2).

''(h) PUBLICATION OF THE ANNUAL REPORT.—The Director shall publish a version of the annual report required under subsection (g) on the website of the Agency, which shall include, at a minimum, the number of times the Director—

''(1) issued an initial request for information pursuant to subsection (b); or

''(2) issued a subpoena pursuant to subsection (c).

''(i) ANONYMIZATION OF REPORTS.—The Director shall ensure any victim information contained in a report required to be published under subsection (h) be anonymized before the report is published.

''SEC. 2235. INFORMATION SHARED WITH OR PROVIDED TO THE FEDERAL GOVERNMENT.

''(a) DISCLOSURE, RETENTION, AND USE.—

''(1) AUTHORIZED ACTIVITIES.—Information provided to the Center or Agency pursuant to section 2232 or 2233 may be disclosed to, retained by, and used by, consistent with otherwise applicable provisions of Federal law, any Federal agency or department, component, officer, employee, or agent of the Federal Government solely for—

''(A) a cybersecurity purpose;

''(B) the purpose of identifying—

''(i) a cyber threat, including the source of the cyber threat; or

''(ii) a security vulnerability;

''(C) the purpose of responding to, or otherwise preventing or mitigating, a specific threat of death, a specific threat of serious bodily harm, or a specific threat of serious economic harm, including a terrorist act or use of a weapon of mass destruction;

''(D) the purpose of responding to, investigating, prosecuting, or otherwise preventing or mitigating, a serious threat to a minor, including sexual exploitation and threats to physical safety; or

''(E) the purpose of preventing, investigating, disrupting, or prosecuting an offense arising out of a cyber incident reported pursuant to section 2232 or 2233 or any of the offenses listed in section 105(d)(5)(A)(v) of the Cybersecurity Act of 2015 (6 U.S.C. 1504(d)(5)(A)(v)).

''(2) AGENCY ACTIONS AFTER RECEIPT.—

''(A) RAPID, CONFIDENTIAL SHARING OF CYBER THREAT INDICATORS.—Upon receiving a covered cyber incident or ransom payment report submitted pursuant to this section, the center shall immediately review the report to determine whether the incident that is the subject of the report is connected to an ongoing cyber threat or security vulnerability and where applicable, use such report to identify, develop, and rapidly disseminate to appropriate stakeholders actionable, anonymized cyber threat indicators and defensive measures.

''(B) STANDARDS FOR SHARING SECURITY VULNERABILITIES.—With respect to information in a covered cyber incident or ransom payment report regarding a security vulnerability referred to in paragraph (1)(B)(ii), the Director shall develop principles that govern the timing and manner in which information relating to security vulnerabilities may be shared, consistent with common industry best practices and United States and international standards.

''(3) PRIVACY AND CIVIL LIBERTIES.—Information contained in covered cyber incident and ransom payment reports submitted to the Center or the Agency pursuant to section 2232 shall be retained, used, and disseminated, where permissible and appropriate, by the Federal Government in accordance with processes to be developed for the protection of personal information consistent with processes adopted pursuant to section 105 of the Cybersecurity Act of 2015 (6 U.S.C. 1504) and in a manner that protects from unauthorized use or disclosure any information that may contain—

''(A) personal information of a specific individual; or

''(B) information that identifies a specific individual that is not directly related to a cybersecurity threat.

''(4) DIGITAL SECURITY.—The Center and the Agency shall ensure that reports submitted to the Center or the Agency pursuant to section 2232, and any information contained in those reports, are collected, stored, and protected at a minimum in accordance with the requirements for moderate impact Federal information systems, as described in Federal Information Processing Standards Publication 199, or any successor document.

''(5) PROHIBITION ON USE OF INFORMATION IN REGULATORY ACTIONS.—A Federal, State, local, or Tribal government shall not use information about a covered cyber incident or ransom payment obtained solely through reporting directly to the Center or the Agency in accordance with this subtitle to regulate, including through an enforcement action, the activities of the covered entity or entity that made a ransom payment.

''(b) NO WAIVER OF PRIVILEGE OR PROTECTION.—The submission of a report to the Center or the Agency under section 2232 shall not constitute a waiver of any applicable privilege or protection provided by law, including trade secret protection and attorney-client privilege.

''(c) EXEMPTION FROM DISCLOSURE.—Information contained in a report submitted to the Office under section 2232 shall be exempt from disclosure under section 552(b)(3)(B) of title 5, United States Code (commonly known as the 'Freedom of Information Act') and any State, Tribal, or local provision of law requiring disclosure of information or records.

''(d) EX PARTE COMMUNICATIONS.—The submission of a report to the Agency under section 2232 shall not be subject to a rule of any Federal agency or department or any judicial doctrine regarding ex parte communications with a decision-making official.

''(e) LIABILITY PROTECTIONS.—

''(1) IN GENERAL.—No cause of action shall lie or be maintained in any court by any person or entity and any such action shall be promptly dismissed for the submission of a report pursuant to section 2232(a) that is submitted in conformance with this subtitle and the rule promulgated under section 2232(b), except that this subsection shall not apply with regard to an action by the Federal Government pursuant to section 2234(c)(2).

''(2) SCOPE.—The liability protections provided in subsection (e) shall only apply to or affect litigation that is solely based on the submission of a covered cyber incident report or ransom payment report to the Center or the Agency.

''(3) RESTRICTIONS.—Notwithstanding paragraph (2), no report submitted to the Agency pursuant to this subtitle or any communication, document, material, or other record, created for the sole purpose of preparing, drafting, or submitting such report, may be received in evidence, subject to discovery, or otherwise used in any trial, hearing, or other proceeding in or before any court, regulatory body, or other authority of the United States, a State, or a political subdivision thereof, provided that nothing in this subtitle shall create a defense to discovery or otherwise affect the discovery of any communication, document, material, or other record not created for the sole purpose of preparing, drafting, or submitting such report.

''(f) SHARING WITH NON-FEDERAL ENTITIES.—The Agency shall anonymize the victim who reported the information when making information provided in reports received under section 2232 available to critical infrastructure owners and operators and the general public.

''(g) PROPRIETARY INFORMATION.—Information contained in a report submitted to the Agency under section 2232 shall be considered the commercial, financial, and proprietary information of the covered entity when so designated by the covered entity.

''(h) STORED COMMUNICATIONS ACT.—Nothing in this subtitle shall be construed to permit or require disclosure by a provider of a remote computing service or a provider of an electronic communication service to the public of information not otherwise permitted or required to be disclosed under chapter 121 of title 18, United States Code (commonly known as the 'Stored Communications Act').''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the items relating to subtitle B of title XXII the following:

''Subtitle C—Cyber Incident Reporting

''Sec. 2230. Definitions.
''Sec. 2231. Cyber Incident Review.
''Sec. 2232. Required reporting of certain cyber incidents.
''Sec. 2233. Voluntary reporting of other cyber incidents.
''Sec. 2234. Noncompliance with required reporting.
''Sec. 2235. Information shared with or provided to the Federal Government.''.

SEC. 5104. FEDERAL SHARING OF INCIDENT REPORTS.

(a) CYBER INCIDENT REPORTING SHARING.—

(1) IN GENERAL.—Notwithstanding any other provision of law or regulation, any Federal agency, including any independent establishment (as defined in section 104 of title 5, United States Code), that receives a report from an entity of a cyber incident, including a ransomware attack, shall provide the report to the Director as soon as possible, but not later than 24 hours after receiving the report, unless a shorter period is required by an agreement made between the Cybersecurity Infrastructure Security Agency and the recipient Federal agency. The Director shall share and coordinate each report pursuant to section 2231(b) of the Homeland Security Act of 2002, as added by section 5103 of this title.

(2) RULE OF CONSTRUCTION.—The requirements described in paragraph (1) shall not be construed to be a violation of any provision of law or policy that would otherwise prohibit disclosure within the executive branch.

(3) PROTECTION OF INFORMATION.—The Director shall comply with any obligations of the recipient Federal agency described in paragraph (1) to protect information, including with respect to privacy, confidentiality, or information security, if those obligations would impose greater protection requirements than this title or the amendments made by this title.

(4) FOIA EXEMPTION.—Any report received by the Director pursuant to paragraph (1) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code (commonly known as the ''Freedom of Information Act'').

(b) CREATION OF COUNCIL.—Section 1752(c) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 1500(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (G), by striking ''and'' at the end;

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

''(H) lead an intergovernmental Cyber Incident Reporting Council, in coordination with the Director of the Office of Management and Budget, the Attorney General, and the Director of the Cybersecurity and Infrastructure Security Agency and in consultation with Sector Risk Management Agencies (as defined in section 2201 of the Homeland Security Act of 2002 (6 U.S.C. 651)) and other appropriate Federal agencies, to coordinate, deconflict, and harmonize Federal incident reporting requirements, including those issued through regulations, for covered entities (as defined in section 2230 of such Act) and entities that make a ransom payment (as defined in such section 2201 (6 U.S.C. 651)); and''; and

(2) by adding at the end the following:

''(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1)(H) shall be construed to provide any additional regulatory authority to any Federal entity.''.

(c) HARMONIZING REPORTING REQUIREMENTS.—The National Cyber Director shall, in consultation with the Director, the Attorney General, the Cyber Incident Reporting Council described in section 1752(c)(1)(H) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 1500(c)(1)(H)), and the Director of the Office of Management and Budget, to the maximum extent practicable—

(1) periodically review existing regulatory requirements, including the information required in such reports, to report cyber incidents and ensure that any such reporting requirements and procedures avoid conflicting, duplicative, or burdensome requirements; and

(2) coordinate with the Director, the Attorney General, and regulatory authorities that receive reports relating to cyber incidents to identify opportunities to streamline reporting processes, and where feasible, facilitate interagency agreements between such authorities to permit the sharing of such reports, consistent with applicable law and policy, without impacting the ability of such agencies to gain timely situational awareness of a covered cyber incident or ransom payment.

SEC. 5105. RANSOMWARE VULNERABILITY WARNING PILOT PROGRAM.

(a) PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Director shall establish a ransomware vulnerability warning program to leverage existing authorities and technology to specifically develop processes and procedures for, and to dedicate resources to, identifying information systems that contain security vulnerabilities associated with common ransomware attacks, and to notify the owners of those vulnerable systems of their security vulnerability.

(b) IDENTIFICATION OF VULNERABLE SYSTEMS.—The pilot program established under subsection (a) shall—

(1) identify the most common security vulnerabilities utilized in ransomware attacks and mitigation techniques; and

(2) utilize existing authorities to identify Federal and other relevant information systems that contain the security vulnerabilities identified in paragraph (1).

(c) ENTITY NOTIFICATION.—

(1) IDENTIFICATION.—If the Director is able to identify the entity at risk that owns or operates a vulnerable information system identified in subsection (b), the Director may notify the owner of the information system.

(2) NO IDENTIFICATION.—If the Director is not able to identify the entity at risk that owns or operates a vulnerable information system identified in subsection (b), the Director may utilize the subpoena authority pursuant to section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659) to identify and notify the entity at risk pursuant to the procedures within that section.

(3) REQUIRED INFORMATION.—A notification made under paragraph (1) shall include information on the identified security vulnerability and mitigation techniques.

(d) PRIORITIZATION OF NOTIFICATIONS.—To the extent practicable, the Director shall prioritize covered entities for identification and notification activities under the pilot program established under this section.

(e) LIMITATION ON PROCEDURES.—No procedure, notification, or other authorities utilized in the execution of the pilot program established under subsection (a) shall require an owner or operator of a vulnerable information system to take any action as a result of a notice of a security vulnerability made pursuant to subsection (c).

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide additional authorities to the Director to identify vulnerabilities or vulnerable systems.

(g) TERMINATION.—The pilot program established under subsection (a) shall terminate on the date that is 4 years after the date of enactment of this Act.

SEC. 5106. RANSOMWARE THREAT MITIGATION ACTIVITIES.

(a) JOINT RANSOMWARE TASK FORCE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the National Cyber Director, in consultation with the Attorney General and the Director of the Federal Bureau of Investigation, shall establish and chair the Joint Ransomware Task Force to coordinate an ongoing nationwide campaign against ransomware attacks, and identify and pursue opportunities for international cooperation.

(2) COMPOSITION.—The Joint Ransomware Task Force shall consist of participants from Federal agencies, as determined appropriate by the National Cyber Director in consultation with the Secretary of Homeland Security.

(3) RESPONSIBILITIES.—The Joint Ransomware Task Force, utilizing only existing authorities of each participating agency, shall coordinate across the Federal Government the following activities:

(A) Prioritization of intelligence-driven operations to disrupt specific ransomware actors.

(B) Consult with relevant private sector, State, local, Tribal, and territorial governments and international stakeholders to identify needs and establish mechanisms for providing input into the Task Force.

(C) Identifying, in consultation with relevant entities, a list of highest threat ransomware entities updated on an ongoing basis, in order to facilitate—

(i) prioritization for Federal action by appropriate Federal agencies; and

(ii) identify metrics for success of said actions.

(D) Disrupting ransomware criminal actors, associated infrastructure, and their finances.

(E) Facilitating coordination and collaboration between Federal entities and relevant entities, including the private sector, to improve Federal actions against ransomware threats.

(F) Collection, sharing, and analysis of ransomware trends to inform Federal actions.

(G) Creation of after-action reports and other lessons learned from Federal actions that identify successes and failures to improve subsequent actions.

(H) Any other activities determined appropriate by the task force to mitigate the threat of ransomware attacks against Federal and non-Federal entities.

(b) CLARIFYING PRIVATE SECTOR LAWFUL DEFENSIVE MEASURES.—Not later than 180 days after the date of enactment of this Act, the National Cyber Director, in coordination with the Secretary of Homeland Security and the Attorney General, shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Oversight and Reform of the House of Representatives a report that describes defensive measures that private sector actors can take when countering ransomware attacks and what laws need to be clarified to enable that action.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide any additional authority to any Federal agency.

SEC. 5107. CONGRESSIONAL REPORTING.

(a) REPORT ON STAKEHOLDER ENGAGEMENT.—Not later than 30 days after the date on which the Director issues the final rule under section 2232(b) of the Homeland Security Act of 2002, as added by section 5103(b) of this title, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that describes how the Director engaged stakeholders in the development of the final rule.

(b) REPORT ON OPPORTUNITIES TO STRENGTHEN SECURITY RESEARCH.—Not later than 1 year after the date of enactment of this Act, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report describing how the National Cybersecurity and Communications Integration Center established under section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659) has carried out activities under section 2231(a)(9) of the Homeland Security Act of 2002, as added by section 5103(a) of this title, by proactively identifying opportunities to use cyber incident data to inform and enable cybersecurity research within the academic and private sector.

(c) REPORT ON RANSOMWARE VULNERABILITY WARNING PILOT PROGRAM.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for the duration of the pilot program established under section 5105, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report, which may include a classified annex, on the effectiveness of the pilot program, which shall include a discussion of the following:

(1) The effectiveness of the notifications under section 5105(c) in mitigating security vulnerabilities and the threat of ransomware.

(2) Identification of the most common vulnerabilities utilized in ransomware.

(3) The number of notifications issued during the preceding year.

(4) To the extent practicable, the number of vulnerable devices or systems mitigated under this pilot by the Agency during the preceding year.

(d) REPORT ON HARMONIZATION OF REPORTING REGULATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date on which the National Cyber Director convenes the Council described in section 1752(c)(1)(H) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 1500(c)(1)(H)), the National Cyber Director shall submit to the appropriate congressional committees a report that includes—

(A) a list of duplicative Federal cyber incident reporting requirements on covered entities and entities that make a ransom payment;

(B) a description of any challenges in harmonizing the duplicative reporting requirements;

(C) any actions the National Cyber Director intends to take to facilitate harmonizing the duplicative reporting requirements; and

(D) any proposed legislative changes necessary to address the duplicative reporting.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to provide any additional regulatory authority to any Federal agency.

(e) GAO REPORTS.—

(1) IMPLEMENTATION OF THIS TITLE.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the implementation of this title and the amendments made by this title.

(2) EXEMPTIONS TO REPORTING.—Not later than 1 year after the date on which the Director issues the final rule required under section 2232(b) of the Homeland Security Act of 2002, as added by section 5103 of this title, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the exemptions to reporting under paragraphs (2) and (5) of section 2232(a) of the Homeland Security Act of 2002, as added by section 5103 of this title, which shall include—

(A) to the extent practicable, an evaluation of the quantity of incidents not reported to the Federal Government;

(B) an evaluation of the impact on impacted entities, homeland security, and the national economy of the ransomware criminal ecosystem of incidents and ransom payments, including a discussion on the scope of impact of incidents that were not reported to the Federal Government;

(C) an evaluation of the burden, financial and otherwise, on entities required to report cyber incidents under this title, including an analysis of entities that meet the definition of a small organization and would be exempt from ransom payment reporting but not for being a covered entity; and

(D) a description of the consequences and effects of the exemptions.

(f) REPORT ON EFFECTIVENESS OF ENFORCEMENT MECHANISMS.—Not later than 1 year after the date on which the Director issues the final rule required under section 2232(b) of the Homeland Security Act of 2002, as added by section 5103 of this title, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the effectiveness of the enforcement mechanisms within section 2234 of the Homeland Security Act of 2002, as added by section 5103 of this title.

TITLE LII—CISA TECHNICAL CORRECTIONS AND IMPROVEMENTS ACT OF 2021

SEC. 5201. SHORT TITLE.

This title may be cited as the ''CISA Technical Corrections and Improvements Act of 2021''.

SEC. 5202. REDESIGNATIONS.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended—

(1) by redesignating section 2217 (6 U.S.C. 665f) as section 2220;

(2) by redesignating section 2216 (6 U.S.C. 665e) as section 2219;

(3) by redesignating the fourth section 2215 (relating to Sector Risk Management Agencies) (6 U.S.C. 665d) as section 2218;

(4) by redesignating the third section 2215 (relating to the Cybersecurity State Coordinator) (6 U.S.C. 665c) as section 2217; and

(5) by redesignating the second section 2215 (relating to the Joint Cyber Planning Office) (6 U.S.C. 665b) as section 2216.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2202(c) of the Homeland Security Act of 2002 (6 U.S.C. 652(c)) is amended—

(1) in paragraph (11), by striking ''and'' at the end;

(2) in the first paragraph (12)—

(A) by striking ''section 2215'' and inserting ''section 2217''; and

(B) by striking ''and'' at the end; and

(3) by redesignating the second and third paragraphs (12) as paragraphs (13) and (14), respectively.

(c) ADDITIONAL TECHNICAL AMENDMENT.—

(1) AMENDMENT.—Section 904(b)(1) of the DOTGOV Act of 2020 (title IX of division U of Public Law 116–260) is amended, in the matter preceding subparagraph (A), by striking ''Homeland Security Act'' and inserting ''Homeland Security Act of 2002''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if enacted as part of the DOTGOV Act of 2020 (title IX of division U of Public Law 116–260).

SEC. 5203. CONSOLIDATION OF DEFINITIONS.

(a) IN GENERAL.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651) is amended by inserting before the subtitle A heading the following:

''SEC. 2200. DEFINITIONS.

''Except as otherwise specifically provided, in this title:

''(1) AGENCY.—The term 'Agency' means the Cybersecurity and Infrastructure Security Agency.

''(2) AGENCY INFORMATION.—The term 'agency information' means information collected or maintained by or on behalf of an agency.

''(3) AGENCY INFORMATION SYSTEM.—The term 'agency information system' means an information system used or operated by an agency or by another entity on behalf of an agency.

''(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(B) the Committee on Homeland Security of the House of Representatives.

''(5) CLOUD SERVICE PROVIDER.—The term 'cloud service provider' means an entity offering products or services related to cloud computing, as defined by the National Institutes of Standards and Technology in NIST Special Publication 800–145 and any amendatory or superseding document relating thereto.

''(6) CRITICAL INFRASTRUCTURE INFORMATION.—The term 'critical infrastructure information' means information not customarily in the public domain and related to the security of critical infrastructure or protected systems, including—

''(A) actual, potential, or threatened interference with, attack on, compromise of, or incapacitation of critical infrastructure or protected systems by either physical or computer-based attack or other similar conduct (including the misuse of or unauthorized access to all types of communications and data transmission systems) that violates Federal, State, or local law, harms interstate commerce of the United States, or threatens public health or safety;

''(B) the ability of any critical infrastructure or protected system to resist such interference, compromise, or incapacitation, including any planned or past assessment, projection, or estimate of the vulnerability of critical infrastructure or a protected system, including security testing, risk evaluation thereto, risk management planning, or risk audit; or

''(C) any planned or past operational problem or solution regarding critical infrastructure or protected systems, including repair, recovery, reconstruction, insurance, or continuity, to the extent it is related to such interference, compromise, or incapacitation.

''(7) CYBER THREAT INDICATOR.—The term 'cyber threat indicator' means information that is necessary to describe or identify—

''(A) malicious reconnaissance, including anomalous patterns of communications that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat or security vulnerability;

''(B) a method of defeating a security control or exploitation of a security vulnerability;

''(C) a security vulnerability, including anomalous activity that appears to indicate the existence of a security vulnerability;

''(D) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to unwittingly enable the defeat of a security control or exploitation of a security vulnerability;

''(E) malicious cyber command and control;

''(F) the actual or potential harm caused by an incident, including a description of the information exfiltrated as a result of a particular cybersecurity threat;

''(G) any other attribute of a cybersecurity threat, if disclosure of such attribute is not otherwise prohibited by law; or

''(H) any combination thereof.

''(8) CYBERSECURITY PURPOSE.—The term 'cybersecurity purpose' means the purpose of protecting an information system or information that is stored on, processed by, or transiting an information system from a cybersecurity threat or security vulnerability.

''(9) CYBERSECURITY RISK.—The term 'cybersecurity risk'—

''(A) means threats to and vulnerabilities of information or information systems and any related consequences caused by or resulting from unauthorized access, use, disclosure, degradation, disruption, modification, or destruction of such information or information systems, including such related consequences caused by an act of terrorism; and

''(B) does not include any action that solely involves a violation of a consumer term of service or a consumer licensing agreement.

''(10) CYBERSECURITY THREAT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'cybersecurity threat' means an action, not protected by the First Amendment to the Constitution of the United States, on or through an information system that may result in an unauthorized effort to adversely impact the security, availability, confidentiality, or integrity of an information system or information that is stored on, processed by, or transiting an information system.

''(B) EXCLUSION.—The term 'cybersecurity threat' does not include any action that solely involves a violation of a consumer term of service or a consumer licensing agreement.

''(11) DEFENSIVE MEASURE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'defensive measure' means an action, device, procedure, signature, technique, or other measure applied to an information system or information that is stored on, processed by, or transiting an information system that detects, prevents, or mitigates a known or suspected cybersecurity threat or security vulnerability.

''(B) EXCLUSION.—The term 'defensive measure' does not include a measure that destroys, renders unusable, provides unauthorized access to, or substantially harms an information system or information stored on, processed by, or transiting such information system not owned by—

''(i) the entity operating the measure; or

''(ii) another entity or Federal entity that is authorized to provide consent and has provided consent to that private entity for operation of such measure.

''(12) HOMELAND SECURITY ENTERPRISE.—The term 'Homeland Security Enterprise' means relevant governmental and nongovernmental entities involved in homeland security, including Federal, State, local, and Tribal government officials, private sector representatives, academics, and other policy experts.

''(13) INCIDENT.—The term 'incident' means an occurrence that actually or imminently jeopardizes, without lawful authority, the integrity, confidentiality, or availability of information on an information system, or actually or imminently jeopardizes, without lawful authority, an information system.

''(14) INFORMATION SHARING AND ANALYSIS ORGANIZATION.—The term 'Information Sharing and Analysis Organization' means any formal or informal entity or collaboration created or employed by public or private sector organizations, for purposes of—

''(A) gathering and analyzing critical infrastructure information, including information related to cybersecurity risks and incidents, in order to better understand security problems and interdependencies related to critical infrastructure, including cybersecurity risks and incidents, and protected systems, so as to ensure the availability, integrity, and reliability thereof;

''(B) communicating or disclosing critical infrastructure information, including cybersecurity risks and incidents, to help prevent, detect, mitigate, or recover from the effects of a interference, compromise, or a incapacitation problem related to critical infrastructure, including cybersecurity risks and incidents, or protected systems; and

''(C) voluntarily disseminating critical infrastructure information, including cybersecurity risks and incidents, to its members, State, local, and Federal Governments, or any other entities that may be of assistance in carrying out the purposes specified in subparagraphs (A) and (B).

''(15) INFORMATION SYSTEM.—The term 'information system' has the meaning given the term in section 3502 of title 44, United States Code.

''(16) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

''(17) MANAGED SERVICE PROVIDER.—The term 'managed service provider' means an entity that delivers services, such as network, application, infrastructure, or security services, via ongoing and regular support and active administration on the premises of a customer, in the data center of the entity (such as hosting), or in a third party data center.

''(18) MONITOR.—The term 'monitor' means to acquire, identify, or scan, or to possess, information that is stored on, processed by, or transiting an information system.

''(19) NATIONAL CYBERSECURITY ASSET RESPONSE ACTIVITIES.—The term 'national cybersecurity asset response activities' means—

''(A) furnishing cybersecurity technical assistance to entities affected by cybersecurity risks to protect assets, mitigate vulnerabilities, and reduce impacts of cyber incidents;

''(B) identifying other entities that may be at risk of an incident and assessing risk to the same or similar vulnerabilities;

''(C) assessing potential cybersecurity risks to a sector or region, including potential cascading effects, and developing courses of action to mitigate such risks;

''(D) facilitating information sharing and operational coordination with threat response; and

''(E) providing guidance on how best to utilize Federal resources and capabilities in a timely, effective manner to speed recovery from cybersecurity risks.

''(20) NATIONAL SECURITY SYSTEM.—The term 'national security system' has the meaning given the term in section 11103 of title 40, United States Code.

''(21) RANSOM PAYMENT.—The term 'ransom payment' means the transmission of any money or other property or asset, including virtual currency, or any portion thereof, which has at any time been delivered as ransom in connection with a ransomware attack.

''(22) RANSOMWARE ATTACK.—The term 'ransomware attack'—

''(A) means a cyber incident that includes the use or threat of use of unauthorized or malicious code on an information system, or the use or threat of use of another digital mechanism such as a denial of service attack, to interrupt or disrupt the operations of an information system or compromise the confidentiality, availability, or integrity of electronic data stored on, processed by, or transiting an information system to extort a demand for a ransom payment; and

''(B) does not include any such event where the demand for payment is made by a Federal Government entity, good faith security research, or in response to an invitation by the owner or operator of the information

system for third parties to identify vulnerabilities in the information system.

''(23) SECTOR RISK MANAGEMENT AGENCY.—The term 'Sector Risk Management Agency' means a Federal department or agency, designated by law or Presidential directive, with responsibility for providing institutional knowledge and specialized expertise of a sector, as well as leading, facilitating, or supporting programs and associated activities of its designated critical infrastructure sector in the all hazards environment in coordination with the Department.

''(24) SECURITY CONTROL.—The term 'security control' means the management, operational, and technical controls used to protect against an unauthorized effort to adversely affect the confidentiality, integrity, and availability of an information system or its information.

''(25) SECURITY VULNERABILITY.—The term 'security vulnerability' means any attribute of hardware, software, process, or procedure that could enable or facilitate the defeat of a security control.

''(26) SHARING.—The term 'sharing' (including all conjugations thereof) means providing, receiving, and disseminating (including all conjugations of each such terms).

''(27) SUPPLY CHAIN COMPROMISE.—The term 'supply chain compromise' means a cyber incident within the supply chain of an information system that an adversary can leverage to jeopardize the confidentiality, integrity, or availability of the information technology system or the information the system processes, stores, or transmits, and can occur at any point during the life cycle.

''(28) VIRTUAL CURRENCY.—The term 'virtual currency' means the digital representation of value that functions as a medium of exchange, a unit of account, or a store of value.

''(29) VIRTUAL CURRENCY ADDRESS.—The term 'virtual currency address' means a unique public cryptographic key identifying the location to which a virtual currency payment can be made.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by amending section 2201 to read as follows:

''SEC. 2201. DEFINITION.

''In this subtitle, the term 'Cybersecurity Advisory Committee' means the advisory committee established under section 2219(a).'';

(2) in section 2202—

(A) in subsection (a)(1), by striking ''(in this subtitle referred to as the Agency)'';

(B) in subsection (f)—

(i) in paragraph (1), by inserting ''Executive'' before ''Assistant Director''; and

(ii) in paragraph (2), by inserting ''Executive'' before ''Assistant Director'';

(3) in section 2203(a)(2), by striking ''as the 'Assistant Director'' and inserting ''as the 'Executive Assistant Director''';

(4) in section 2204(a)(2), by striking ''as the 'Assistant Director'' and inserting ''as the 'Executive Assistant Director''';

(5) in section 2209—

(A) by striking subsection (a);

(B) by redesignating subsections (b) through (o) as subsections (a) through (n), respectively;

(C) in subsection (c)(1)—

(i) in subparagraph (A)(iii), as so redesignated, by striking '', as that term is defined under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))''; and

(ii) in subparagraph (B)(ii), by striking ''information sharing and analysis organizations'' and inserting ''Information Sharing and Analysis Organizations'';

(D) in subsection (d), as so redesignated—

(i) in the matter preceding paragraph (1), by striking ''subsection (c)'' and inserting ''subsection (b)''; and

(ii) in paragraph (1)(E)(ii)(II), by striking ''information sharing and analysis organizations'' and inserting ''Information Sharing and Analysis Organizations'';

(E) in subsection (j), as so redesignated, by striking ''subsection (c)(8)'' and inserting ''subsection (b)(8)''; and

(F) in subsection (n), as so redesignated—

(i) in paragraph (2)(A), by striking ''subsection (c)(12)'' and inserting ''subsection (b)(12)''; and

(ii) in paragraph (3)(B)(i), by striking ''subsection (c)(12)'' and inserting ''subsection (b)(12)'';

(6) in section 2210—

(A) by striking subsection (a);

(B) by redesignating subsections (b) through (d) as subsections (a) through (c), respectively;

(C) in subsection (b), as so redesignated—

(i) by striking ''information sharing and analysis organizations (as defined in section 2222(5))'' and inserting ''Information Sharing and Analysis Organizations''; and

(ii) by striking ''(as defined in section 2209)''; and

(D) in subsection (c), as so redesignated, by striking ''subsection (c)'' and inserting ''subsection (b)'';

(7) in section 2211, by striking subsection (h);

(8) in section 2212, by striking ''information sharing and analysis organizations (as defined in section 2222(5))'' and inserting ''Information Sharing and Analysis Organizations'';

(9) in section 2213—

(A) by striking subsection (a);

(B) by redesignating subsections (b) through (f) as subsections (a) through (e); respectively;

(C) in subsection (b), as so redesignated, by striking ''subsection (b)'' each place it appears and inserting ''subsection (a)'';

(D) in subsection (c), as so redesignated, in the matter preceding paragraph (1), by striking ''subsection (b)'' and inserting ''subsection (a)''; and

(E) in subsection (d), as so redesignated—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking ''subsection (c)(2)'' and inserting ''subsection (b)(2)'';

(II) in subparagraph (A), by striking ''subsection (c)(1)'' and inserting ''subsection (b)(1)''; and

(III) in subparagraph (B), by striking ''subsection (c)(2)'' and inserting ''subsection (b)(2)''; and

(ii) in paragraph (2), by striking ''subsection (c)(2)'' and inserting ''subsection (b)(2)'';

(10) in section 2216, as so redesignated—

(A) in subsection (d)(2), by striking ''information sharing and analysis organizations'' and inserting ''Information Sharing and Analysis Organizations''; and

(B) by striking subsection (f) and inserting the following:

''(f) CYBER DEFENSE OPERATION DEFINED.—In this section, the term 'cyber defense operation' means the use of a defensive measure.'';

(11) in section 2218(c)(4)(A), as so redesignated, by striking ''information sharing and analysis organizations'' and inserting ''Information Sharing and Analysis Organizations''; and

(12) in section 2222—

(A) by striking paragraphs (3), (5), and (8);

(B) by redesignating paragraph (4) as paragraph (3); and

(C) by redesignating paragraphs (6) and (7) as paragraphs (4) and (5), respectively.

(c) TABLE OF CONTENTS AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended—

(1) by inserting before the item relating to subtitle A of title XXII the following:

''Sec. 2200. Definitions.'';

(2) by striking the item relating to section 2201 and inserting the following:

''Sec. 2201. Definition.''; and

(3) by striking the item relating to section 2214 and all that follows through the item relating to section 2217 and inserting the following:

''Sec. 2214. National Asset Database.
''Sec. 2215. Duties and authorities relating to .gov internet domain.
''Sec. 2216. Joint Cyber Planning Office.
''Sec. 2217. Cybersecurity State Coordinator.
''Sec. 2218. Sector Risk Management Agencies.
''Sec. 2219. Cybersecurity Advisory Committee.
''Sec. 2220. Cybersecurity Education and Training Programs.''.

(d) CYBERSECURITY ACT OF 2015 DEFINITIONS.—Section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501) is amended—

(1) by striking paragraphs (4) through (7) and inserting the following:

''(4) CYBERSECURITY PURPOSE.—The term 'cybersecurity purpose' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

''(5) CYBERSECURITY THREAT.—The term 'cybersecurity threat' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

''(6) CYBER THREAT INDICATOR.—The term 'cyber threat indicator' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

''(7) DEFENSIVE MEASURE.—The term 'defensive measure' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.'';

(2) by striking paragraph (13) and inserting the following:

''(13) MONITOR.— The term 'monitor' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.''; and

(3) by striking paragraphs (16) and (17) and inserting the following:

''(16) SECURITY CONTROL.—The term 'security control' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

''(17) SECURITY VULNERABILITY.—The term 'security vulnerability' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.''.

SEC. 5204. ADDITIONAL TECHNICAL AND CONFORMING AMENDMENTS.

(a) FEDERAL CYBERSECURITY ENHANCEMENT ACT OF 2015.—The Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1521 et seq.) is amended—

(1) in section 222 (6 U.S.C. 1521)—

(A) in paragraph (2), by striking ''section 2210'' and inserting ''section 2200''; and

(B) in paragraph (4), by striking ''section 2209'' and inserting ''section 2200'';

(2) in section 223(b) (6 U.S.C. 151 note), by striking ''section 2213(b)(1)'' each place it appears and inserting ''section 2213(a)(1)'';

(3) in section 226 (6 U.S.C. 1524)—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''section 2213'' and inserting ''section 2200'';

(ii) in paragraph (2), by striking ''section 102'' and inserting ''section 2200 of the Homeland Security Act of 2002'';

(iii) in paragraph (4), by striking ''section 2210(b)(1)'' and inserting ''section 2210(a)(1)''; and

(iv) in paragraph (5), by striking ''section 2213(b)'' and inserting ''section 2213(a)''; and

(B) in subsection (c)(1)(A)(vi), by striking ''section 2213(c)(5)'' and inserting ''section 2213(b)(5)''; and

(4) in section 227(b) (6 U.S.C. 1525(b)), by striking ''section 2213(d)(2)'' and inserting ''section 2213(c)(2)''.

(b) PUBLIC HEALTH SERVICE ACT.—Section 2811(b)(4)(D) of the Public Health Service Act (42 U.S.C. 300hh–10(b)(4)(D)) is amended by striking ''section 228(c) of the Homeland Security Act of 2002 (6 U.S.C. 149(c))'' and inserting ''section 2210(b) of the Homeland Security Act of 2002 (6 U.S.C. 660(b))''.

(c) WILLIAM M. (MAC) THORNBERRY NATIONAL DEFENSE AUTHORIZATION ACT OF FISCAL YEAR 2021.—Section 9002 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 652a) is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking ''section 2222(5) of the Homeland Security Act of 2002 (6 U.S.C. 671(5))'' and inserting ''section 2200 of the Homeland Security Act of 2002''; and

(B) by amending paragraph (7) to read as follows:

''(7) SECTOR RISK MANAGEMENT AGENCY.—The term 'Sector Risk Management Agency' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.'';

(2) in subsection (c)(3)(B), by striking ''section 2201(5)'' and inserting ''section 2200''; and

(3) in subsection (d)—

(A) by striking ''section 2215'' and inserting ''section 2218''; and

(B) by striking '', as added by this section''.

(d) NATIONAL SECURITY ACT OF 1947.—Section 113B of the National Security Act of 1947 (50 U.S.C. 3049a(b)(4)) is amended by striking ''section 226 of the Homeland Security Act of 2002 (6 U.S.C. 147)'' and inserting ''section 2208 of the Homeland Security Act of 2002 (6 U.S.C. 658)''.

(e) IOT CYBERSECURITY IMPROVEMENT ACT OF 2020.—Section 5(b)(3) of the IoT Cybersecurity Improvement Act of 2020 (15 U.S.C. 278g–3c) is amended by striking ''section 2209(m) of the Homeland Security Act of 2002 (6 U.S.C. 659(m))'' and inserting ''section 2209(l) of the Homeland Security Act of 2002 (6 U.S.C. 659(l))''.

(f) SMALL BUSINESS ACT.—Section 21(a)(8)(B) of the Small Business Act (15 U.S.C. 648(a)(8)(B)) is amended by striking ''section 2209(a)'' and inserting ''section 2200''.

(g) TITLE 46.—Section 70101(2) of title 46, United States Code, is amended by striking ''section 227 of the Homeland Security Act of 2002 (6 U.S.C. 148)'' and inserting ''section 2200 of the Homeland Security Act of 2002''.

SA 4814. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EXTENSION OF AVAILABILITY OF CORONAVIRUS RELIEF FUND PAYMENTS TO TRIBAL GOVERNMENTS.

Section 601(d)(3) of the Social Security Act (42 U.S.C. 801(d)(3)) is amended by inserting ''(or, in the case of costs incurred by a Tribal government, during the period that begins on March 1, 2020, and ends on December 31, 2022)'' before the period.

SA 4815. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1064. REQUIREMENT OF DENTAL CLINIC OF DEPARTMENT OF VETERANS AFFAIRS IN EACH STATE.

The Secretary of Veterans Affairs shall ensure that each State has a dental clinic of the Department of Veterans Affairs to service the needs of the veterans within that State by not later than September 30, 2024.

SA 4816. Mr. COONS submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle ____—Sudan Democracy Act

SEC. ___1. SHORT TITLE.

This subtitle may be cited as the ''Sudan Democracy Act''.

SEC. ___2. DEFINITIONS.

In this subtitle:

(1) ADMITTED; ALIEN.—The terms ''admitted'' and ''alien'' have the meanings given such terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1001).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

(3) FOREIGN PERSON.—The term ''foreign person'' means a person that is not a United States person.

(4) GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS.—The term ''gross violations of internationally recognized human rights'' has the meaning given such term in section 502B(d)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(d)(1)).

(5) INTERNATIONAL FINANCIAL INSTITUTIONS.—The term ''international financial institutions'' means—

(A) the International Monetary Fund;

(B) the International Bank for Reconstruction and Development;

(C) the International Development Association;

(D) the International Finance Corporation;

(E) the Inter-American Development Bank;

(F) the Asian Development Bank;

(G) the Inter-American Investment Corporation;

(H) the African Development Bank;

(I) the African Development Fund;

(J) the European Bank for Reconstruction and Development; and

(K) the Multilateral Investment Guaranty Agency.

(6) KNOWINGLY.—The term ''knowingly'' means, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(7) SECURITY AND INTELLIGENCE SERVICES.—The term ''security and intelligence servvices'' means—

(A) the Sudan Armed Forces;

(B) the Rapid Support Forces;

(C) the Popular Defense Forces;

(D) other Sudanese paramilitary units;

(E) Sudanese police forces; and

(F) the General Intelligence Service (previously known as the National Intelligence and Security Services).

(8) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen, an alien lawfully admitted for permanent residence to the United States, or any other individual subject to the jurisdiction of the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such entity.

SEC. ___3. FINDINGS; STATEMENT OF POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) On November 17, 1958, Lieutenant General Ibrahim Abboud of Sudan led the country's first coup after independence, and the first successful coup in post-independence Africa.

(2) There have been more than 200 coup attempts across Africa since the 1958 coup in Sudan, including successful coups in Sudan in 1969, 1985, 1989, and 2019.

(3) On April 11, 2019, President Omar al Bashir of Sudan, who came to power in a military coup in 1989, was overthrown after months of popular protests by his own security chiefs, who established a Transitional Military Council, led by Lieutenant General Abdel Fattah al-Burhan, that ignored calls from the Sudanese people to transfer power to civilians.

(4) On August 17, 2019—

(A) the Transitional Military Council, under domestic and international pressure, signed a power-sharing agreement with the Forces for Freedom and Change, a broad coalition of political parties and civic groups representing the protest movement that had pushed for the end of the Bashir regime and a transition to civilian rule; and

(B) a transitional government was formed that allowed the junta leaders to remain in government in a partnership with new civilian authorities nominated by the Forces for Freedom and Change, including Prime Minister Abdallah Hamdok, for a transitional period to democracy.

(5) On October 25, 2021, Lieutenant General Burhan, with the support of Lieutenant Mohamed Hamdan Dagalo (also known as ''Hemedti'')—

(A) seized control of the Government of Sudan;

(B) deployed the military to the streets of Khartoum and Omdurman;

(C) shut down the internet in Sudan; and

(D) detained Prime Minister Hamdok and other civilian officials.

(6) The African Union Peace and Security Council has condemned the military takeover, rejected the unconstitutional change of

government, and on October 27, 2021, suspended Sudan from the Council until the civilian-led transitional government is restored.

(7) The Troika (the United States, United Kingdom, Norway), the European Union, and Switzerland ''continue to recognize the Prime Minister and his cabinet as the constitutional leaders of the transitional government''.

(8) The Sudanese people have condemned the military takeover and launched a campaign of peaceful civil disobedience, continuing the protests for democracy that began in late 2018 and reflecting a historic tradition of non-violence protests led by previous generations in Sudan against military regimes in 1964 and 1985.

(9) In response to public calls for civilian rule since October 25, 2021, Sudanese security forces have arbitrarily detained civilians and used excessive and lethal force against peaceful protesters that has resulted in civilian deaths across the country.

(10) The October 25, 2021 military takeover represents a threat to—

(A) Sudan's economic recovery and stability;

(B) the bilateral relationship between Sudan and the United States; and

(C) regional peace and security.

(b) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to support the democratic aspirations of the people of Sudan and a political transition process that results in a civilian government that is democratic, accountable, respects the human rights of its citizens, and is at peace with itself and with its neighbors;

(2) to encourage the reform of the security sector of Sudan to one that is protects citizens under a democracy and respects civilian authority; and

(3) to deter military coups and efforts by external parties to support them.

SEC. ___4. IMPOSITION OF SANCTIONS.

(a) IN GENERAL.—The President shall impose the sanctions described in subsection (b) with respect to any person or entity that the President determines, on or after the date of enactment of this Act—

(1) is responsible for, complicit in, or directly or indirectly engaged or attempted to engage in—

(A) actions that undermine the transition to democracy in Sudan, or, after elections, undermine democratic processes or institutions;

(B) actions that threaten the peace, security, or stability of Sudan;

(C) actions that prohibit, limit, or penalize the exercise of freedom of expression or assembly by people in Sudan, or limit access to print, online, or broadcast media in Sudan;

(D) the arbitrary detention or torture of any person in Sudan or other gross violations of internationally recognized human rights in Sudan;

(E) significant efforts to impede investigations or prosecutions of alleged serious human rights abuses in Sudan;

(F) actions that result in the misappropriation of significant state assets of Sudan or manipulation of the currency, or that hinder government oversight of parastatal budgets and revenues;

(G) actions that violate medical neutrality, including blocking access to care and targeting first responders, medical personnel, or medical institutions; or

(H) disrupting access to communication technologies and information on the internet;

(2) is an entity owned or controlled by any person or entity described in paragraph (1);

(3) forms an entity for the purpose of evading sanctions that would otherwise be imposed pursuant to subsection (b);

(4) is acting for, or on behalf of, a person or entity referred to in paragraph (1), (2), or (3);

(5) is an entity that is owned or controlled (directly or indirectly) by security and intelligence services, from which 1 or more persons or entities described in paragraph (1) derive significant revenue or financial benefit; or

(6) has knowingly—

(A) provided significant financial, material, or technological support—

(i) to a foreign person or entity described in paragraph (1) in furtherance of any of the acts described in subparagraph (A) or (B) of such paragraph; or

(ii) to any entity owned or controlled by such person or entity or an immediate family member of such person; or

(B) received significant financial, material, or technological support from a foreign person or entity described in paragraph (1) or an entity owned or controlled by such person or entity or an immediate family member of such person.

(b) SANCTIONS; EXCEPTIONS.—

(1) SANCTIONS.—

(A) ASSET BLOCKING.—Notwithstanding section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701), the exercise of all powers granted to the President by such Act to the extent necessary to block and prohibit all transactions in all property and interests in property of a foreign person the President determines meets 1 or more of the criteria described in subsection (a) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) ALIENS INADMISSIBLE FOR VISAS, ADMISSION, OR PAROLE.—

(i) VISAS, ADMISSION, OR PAROLE.—An alien who the Secretary of State or the Secretary of Homeland Security (or a designee of one of such Secretaries) knows, or has reason to believe, meets any of the criteria described in subsection (a)—

(I) is inadmissible to the United States;

(II) is ineligible to receive a visa or other documentation to enter the United States; and

(III) is otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(ii) CURRENT VISAS REVOKED.—

(I) IN GENERAL.—The issuing consular officer, the Secretary of State, or a designee of the Secretary of State, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), shall revoke any visa or other entry documentation issued to an alien described in clause (i) regardless of when the visa or other entry documentation was issued.

(II) EFFECT OF REVOCATION.—A revocation under subclause (I) shall take effect immediately and shall automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(2) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under paragraph (1)(B) shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(3) PENALTIES.—Any person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out subsection (b) shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of such section.

(4) IMPLEMENTATION.—The President—

(A) may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section; and

(B) shall issue such regulations, licenses, and orders as may be necessary to carry out this section.

(5) EXCEPTION TO COMPLY WITH NATIONAL SECURITY.—Activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) and any authorized intelligence or law enforcement activities of the United States shall be exempt from sanctions under this section.

(c) WAIVER.—The President may annually waive the application of sanctions imposed on a foreign person pursuant to subsection (a) if the President—

(1) determines that such waiver with respect to such foreign person is in the national interest of the United States; and

(2) not later than the date on which such waiver will take effect, submits notice of, and justification for, such waiver to—

(A) the appropriate congressional committees;

(B) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(C) the Committee on Financial Services of the House of Representatives.

(d) SUNSET.—The requirement to impose sanctions under this section shall cease to be effective on December 31, 2026.

SA 4817. Ms. SINEMA submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. LAND TAKEN INTO TRUST FOR BENEFIT OF THE GILA RIVER INDIAN COMMUNITY.

(a) DEFINITIONS.—In this section:

(1) BLACKWATER TRADING POST LAND.—The term ''Blackwater Trading Post Land'' means the approximately 55.3 acres of land as depicted on the map that—

(A) is located in Pinal County, Arizona, and bordered by Community land to the east, west, and north and State Highway 87 to the south; and

(B) is owned by the Community.

(2) COMMUNITY.—The term ''Community'' means the Gila River Indian Community of the Reservation.

(3) MAP.—The term ''map'' means the map entitled ''Results of Survey, Ellis Property, A Portion of the West ½ of Section 12, Township 5 South, Range 7 East, Gila and Salt River Meridian, Pinal County, Arizona'' and dated October 15, 2012.

(4) RESERVATION.—The term ''Reservation'' means the land located within the exterior boundaries of the reservation created under sections 3 and 4 of the Act of February 28, 1859 (11 Stat. 401, chapter LXVI), and Executive orders of August 31, 1876, June 14, 1879,

May 5, 1882, November 15, 1883, July 31, 1911, June 2, 1913, August 27, 1914, and July 19, 1915, and any other lands placed in trust for the benefit of the Community.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) LAND TAKEN INTO TRUST FOR BENEFIT OF THE GILA RIVER INDIAN COMMUNITY.—

(1) IN GENERAL.—The Secretary shall take the Blackwater Trading Post Land into trust for the benefit of the Community, after the Community—

(A) conveys to the Secretary all right, title, and interest of the Community in and to the Blackwater Trading Post Land;

(B) submits to the Secretary a request to take the Blackwater Trading Post Land into trust for the benefit of the Community;

(C) conducts a survey (to the satisfaction of the Secretary) to determine the exact acreage and legal description of the Blackwater Trading Post Land, if the Secretary determines a survey is necessary; and

(D) pays all costs of any survey conducted under subparagraph (C).

(2) AVAILABILITY OF MAP.—Not later than 180 days after the Blackwater Trading Post Land is taken into trust under paragraph (1), the map shall be on file and available for public inspection in the appropriate offices of the Secretary.

(3) LANDS TAKEN INTO TRUST PART OF RESERVATION.—After the date on which the Blackwater Trading Post Land is taken into trust under paragraph (1), the land shall be treated as part of the Reservation.

(4) GAMING.—Class II and class III gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall not be allowed at any time on the land taken into trust under paragraph (1).

(5) DESCRIPTION.—Not later than 180 days after the date of enactment of this Act, the Secretary shall cause the full metes-and-bounds description of the Blackwater Trading Post Land to be published in the Federal Register. The description shall, on publication, constitute the official description of the Blackwater Trading Post Land.

SA 4818. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—Long Wars Commission Act of 2021

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the ''Long Wars Commission Act of 2021''.

SEC. 1292. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established the Long Wars Commission (in this subtitle referred to as the ''Commission'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 12 members appointed as follows:

(A) One member appointed by the chair of the Committee on Armed Services of the Senate.

(B) One member appointed by the ranking minority member of the Committee on Armed Services of the Senate.

(C) One member appointed by the chair of the Committee on Foreign Relations of the Senate.

(D) One member appointed by the ranking minority member of the Committee on Foreign Relations of the Senate.

(E) One member appointed by the chair of the Committee on Armed Services of the House of Representatives.

(F) One member appointed by the ranking minority member of the Committee on Armed Services of the House of Representatives.

(G) One member appointed by the chair of the Committee on Foreign Affairs of the House of Representatives.

(H) One member appointed by the ranking minority member of the Committee on Foreign Affairs of the House of Representatives.

(I) One member appointed by the chair of the Senate Select Committee on Intelligence.

(J) One member appointed by the ranking minority member of the Senate Select Committee on Intelligence.

(K) One member appointed by the chair of the House Permanent Select Committee on Intelligence.

(L) One member appointed by the ranking minority member of the House Permanent Select Committee on Intelligence.

(2) DATE.—The appointments of the members of the Commission shall be made not later than 90 days after the date of enactment of this Act.

(3) PROHIBITIONS.—A member of the Commission appointed under subparagraph (A) may not—

(A) be a current member of Congress, or a former member of Congress, who served in Congress after January 3, 2001;

(B) have served in military or civilian positions having significant operational or strategic decisionmaking responsibilities for conducting United States Government actions in Afghanistan during the applicable period; or

(C) have been a party to any United States or coalition defense contract during the applicable period.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(d) MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the first meeting of the Commission.

(2) FREQUENCY.—The Commission shall meet at the call of the co-chairs.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(e) CO-CHAIRS.—

(1) DESIGNATION BY COMMITTEE CHAIRS.—The chair of the Committee on Armed Services of the Senate, the chair of the Committee on Foreign Relations of the Senate, the chair of the Committee on Armed Services of the House of Representatives, the chair of the Committee on Foreign Affairs of the House of Representatives, the chair of the Senate Select Committee on Intelligence, and the chair of the House Permanent Select Committee on Intelligence shall jointly designate one member of the Commission to serve as co-chair of the Commission.

(2) DESIGNATION BY RANKING MINORITY MEMBERS.—The ranking minority member of the Committee on Armed Services of the Senate, the ranking minority member of the Committee on Foreign Relations of the Senate, the ranking minority member of the Committee Armed Services of the House of Representatives, and the ranking minority member of the Committee on Foreign Affairs of the House of Representatives, the ranking minority member of the Senate Select Committee on Intelligence, and the ranking minority member of the House Permanent Select Committee on Intelligence shall jointly designate one member of the Commission to serve as co-chair of the Commission.

SEC. 1293. DUTIES.

(a) REVIEW.—The Commission shall review United States involvement in the conflicts in Afghanistan and Iraq beginning during the period prior to the September 11, 2001, attacks and ending on September 1, 2022, including military engagement, diplomatic engagement, training and advising of local forces, reconstruction efforts, foreign assistance, congressional oversight, and withdrawal in such conflicts.

(b) ASSESSMENT AND RECOMMENDATIONS.—The Commission shall—

(1) conduct a comprehensive assessment of United States involvement in the conflicts in Afghanistan and Iraq, including—

(A) United States military, diplomatic, and political objectives in the conflicts, and the extent to which those objectives were achievable;

(B) an evaluation of the interagency decisionmaking processes during the campaigns;

(C) an evaluation of the United States military's conduct during the campaigns and the extent to which its operational approach compromised campaign progress;

(D) any regional and geopolitical threats to the United States resulting from the conflicts;

(E) the extent to which initial United States national objectives for the conflicts were met;

(F) long-term impact on United States relations with allied nations who participated in the Iraq and Afghanistan conflicts;

(G) the effectiveness of counterterrorism, counterinsurgency, and security force assistance strategies employed by the United States military;

(H) the effect of United States involvement in the conflicts on the readiness of the United States Armed Forces;

(I) the effect of United States involvement in the conflicts on civil-military relations in the United States;

(J) the implications of the use of funds for overseas contingency operations as a mechanism for funding United States involvement in the conflicts; and

(K) any other matters in connection with United States involvement in the conflicts the Commission considers appropriate;

(2) identify circumstances in which a conflict presents a significant likelihood of developing into an irregular or civil war; and

(3) develop recommendations based on the assessment, as well as any other information the Commission considers appropriate, for relevant questions to be asked during future deliberations by Congress of an authorization for use of military force in conflicts that have the potential to develop into an irregular or civil war.

(c) REPORT.—

(1) FINAL REPORT.—Not later than 2 years after the date of the enactment of this Act, the Commission shall submit to the President, the Secretary of Defense, the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Senate Select Committee on Intelligence, and the House Permanent Select Committee on Intelligence a report on the findings, conclusions, and recommendations of the Commission under this section. The report shall do each of the following:

(A) Provide an assessment of the current security, political, humanitarian, and economic situation in Afghanistan and Iraq.

(B) Provide lessons learned from United States involvement in, and withdrawal from, the conflicts in Afghanistan and Iraq.

(C) Provide recommendations on questions to be asked during future deliberations by Congress of an authorization for use of military force in a conflict that has the potential to develop into an irregular war.

(D) Address any other matters with respect to United States involvement in the conflicts in Afghanistan and Iraq that the Commission considers appropriate.

(E) Provide recommendations about United States instruments of power, including the use of military force and nation-building, in future foreign policy engagements.

(F) Provide recommendations about the need to foster any new alliances necessary to future foreign policy engagements.

(2) INTERIM BRIEFING.—Not later than one year after the date of the enactment of this Act, the Commission shall provide to the committees of Congress and the officials referred to in paragraph (1) a briefing on the status of its review and assessment under subsection (b), together with a discussion of any interim recommendations developed by the Commission as of the date of the briefing.

(3) FORM OF REPORT.—The report submitted to Congress under paragraph (1) shall be submitted in unclassified form. The report shall also include a classified annex.

SEC. 1294. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this subtitle.

(b) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) INFORMATION.—

(A) IN GENERAL.—The Commission may secure directly from a Federal department or agency such information as the Commission considers necessary to carry out this subtitle.

(B) FURNISHING INFORMATION.—On request of the co-chairs of the Commission, the head of the department or agency shall expeditiously furnish the information to the Commission.

(2) GENERAL SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services and office space necessary for the Commission to carry out its purposes and functions under this subtitle.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(e) COOPERATION FROM UNITED STATES GOVERNMENT.—

(1) IN GENERAL.—The Commission shall receive the full and timely cooperation of the Secretary of Defense, the Secretary of State, and the Director of National Intelligence in providing the Commission with analyses, briefings, and other information necessary for the discharge of the duties of the Commission.

(2) LIAISON.—The Secretary of Defense, the Secretary of State, and the Director of National Intelligence shall each designate at least one officer or employee of their respective organizations to serve as a liaison officer to the Commission.

SEC. 1295. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The co-chairs of the Commission, may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties, except that the employment of an executive director shall be subject to confirmation by the Commission.

(2) QUALIFICATIONS FOR PERSONNEL.—The co-chairs of the Commission shall give preference in such appointments to individuals with significant professional experience in national security, such as a position in the Department of Defense, the Department of State, the intelligence community, the United States Agency for International Development, or an academic or scholarly institution.

(3) COMPENSATION.—The co-chairs may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—A Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The co-chairs of the Commission, may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of 3 basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

SEC. 1296. TERMINATION OF COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits the report required under section 1293(c).

SEC. 1297. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Commission such amounts as necessary to carry out activities under this subtitle.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until the date of the termination of the Commission under section 1296.

SA 4819. Mr. SULLIVAN (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1054. REPORT ON EFFORTS OF COMBATANT COMMANDS TO COMBAT THREATS POSED BY ILLEGAL, UNREPORTED, AND UNREGULATED FISHING.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the chair and deputy chairs of the Interagency Working Group on IUU Fishing and the heads of other relevant agencies, as determined by the Secretary, shall submit to the appropriate committees of Congress a report on the maritime domain awareness efforts of the combatant commands to combat the threats posed by illegal, unreported, and unregulated fishing.

(b) ELEMENTS.—The report required by subsection (a) shall include a detailed summary of each of the following for each combatant command:

(1) Activities undertaken as of the date on which the report is submitted to combat the threats posed by illegal, unreported, and unregulated fishing in the geographic area of the combatant command, including the steps taken to build the capacity of partners to combat those threats.

(2) Coordination among the United States Armed Forces, partner countries, and public-private partnerships to combat the threats described in paragraph (1).

(3) Efforts undertaken to support unclassified data integration, analysis, and delivery with regional partners to combat the threats described in paragraph (1).

(4) Information sharing and coordination with efforts of the Interagency Working Group on IUU Fishing.

(5) Best practices and lessons learned from ongoing and previous efforts relating to the threats described in paragraph (1), including strategies for coordination and successes in public-private partnerships.

(6) Limitations related to affordability, resource constraints, or other gaps or factors that constrain the success or expansion of efforts related to the threats described in paragraph (1).

(7) Any new authorities needed to support efforts to combat the threats described in paragraph (1).

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Natural Resources, the Committee on Transportation and Infrastructure, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) INTERAGENCY WORKING GROUP ON IUU FISHING.—The term ''Interagency Working Group on IUU Fishing'' means the working group established by section 3551 of the Maritime Security and Fisheries Enforcement Act (16 U.S.C. 8031).

SA 4820. Mr. COTTON (for himself, Mr. MANCHIN, Mr. TUBERVILLE, and Mr. KELLY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XIV, add the following:

Subtitle D—Extraction and Processing of Critical Minerals in the United States

SEC. 1431. SHORT TITLE.

This subtitle may be cited as the ''Restoring Essential Energy and Security Holdings Onshore for Rare Earths and Critical Minerals Act of 2021'' or the ''REEShore Critical Minerals Act of 2021''.

SEC. 1432. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Energy and Natural Resources, the Committee on Commerce, Science, and Transportation, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Natural Resources, the Committee on Energy and Commerce, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) CRITICAL MINERAL.—The term ''critical mineral'' has the meaning given that term in section 7002(a) of the Energy Act of 2020 (division Z of Public Law 116–260; 30 U.S.C. 1606(a)).

(3) DEFENSE MINERAL PRODUCT.—The term ''defense mineral product'' means any product—

(A) formed or comprised of, or manufactured from, one or more critical minerals; and

(B) used in critical military defense technologies or other related applications of the Department of Defense.

(4) PROCESSED OR REFINED.—The term ''processed or refined'' means any process by which a defense mineral is extracted, separated, or otherwise manipulated to render the mineral usable for manufacturing a defense mineral product.

SEC. 1433. REPORT ON STRATEGIC CRITICAL MINERAL AND DEFENSE MINERAL PRODUCTS RESERVE.

(a) FINDINGS.—Congress finds that the storage of substantial quantities of critical minerals and defense mineral products will—

(1) diminish the vulnerability of the United States to the effects of a severe supply chain interruption; and

(2) provide limited protection from the short-term consequences of an interruption in supplies of defense mineral products.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, in procuring critical minerals and defense mineral products, the Secretary of Defense should prioritize procurement of critical minerals and defense mineral products from sources in the United States, including that are mined, produced, separated, and manufactured within the United States.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of the Interior, acting through the United States Geologic Survey, and the Secretary of Defense, in consultation with the Secretary of Homeland Security, the Director of the Cybersecurity and Infrastructure Security Agency, the Secretary of Commerce, and the Director of National Intelligence, shall jointly submit to the appropriate congressional committees a report—

(A) describing the existing authorities and funding levels of the Federal Government to stockpile critical minerals and defense mineral products;

(B) assessing whether those authorities and funding levels are sufficient to meet the requirements of the United States; and

(C) including recommendations to diminish the vulnerability of the United States to disruptions in the supply chains for critical minerals and defense mineral products through changes to policy, procurement regulation, or existing law, including any additional statutory authorities that may be needed.

(2) CONSIDERATIONS.—In developing the report required by paragraph (1), the Secretary of the Interior, the Secretary of Defense, the Secretary of Commerce, the Secretary of Homeland Security, the Director of the Cybersecurity and Infrastructure Security Agency, and the Director of National Intelligence shall take into consideration the needs of the Armed Forces of the United States, the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))), the defense industrial and technology sectors, and any places, organizations, physical infrastructure, or digital infrastructure designated as critical to the national security of the United States.

SEC. 1434. REPORT ON DISCLOSURES CONCERNING CRITICAL MINERALS BY CONTRACTORS OF DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—Not later than December 31, 2022, the Secretary of Defense, after consultation with the Secretary of Commerce, the Secretary of State, and the Secretary of the Interior, shall submit to the appropriate congressional committees a report that includes—

(1) a review of the existing disclosure requirements with respect to the provenance of magnets used within defense mineral products;

(2) a review of the feasibility of imposing a requirement that any contractor of the Department of Defense provide a disclosure with respect to any system with a defense mineral product that is a permanent magnet, including an identification of the country or countries in which—

(A) the critical minerals used in the magnet were mined;

(B) the critical minerals were refined into oxides;

(C) the critical minerals were made into metals and alloys; and

(D) the magnet was sintered or bonded and magnetized; and

(3) recommendations to Congress for implementing such a requirement, including methods to ensure that any tracking or provenance system is independently verifiable.

SEC. 1435. REPORT ON PROHIBITION ON ACQUISITION OF DEFENSE MATERIALS FROM NON-ALLIED FOREIGN NATIONS.

The Secretary of Defense shall study and submit to the appropriate congressional committees a report on the potential impacts of imposing a restriction that, for any contract entered into or renewed on or after December 31, 2026, for the procurement of a system the export of which is restricted or controlled under the Arms Export Control Act (22 U.S.C. 2751 et seq.), no critical minerals processed or refined in the People's Republic of China may be included in the system.

SEC. 1436. PRODUCTION IN AND USES OF CRITICAL MINERALS BY UNITED STATES ALLIES.

(a) POLICY.—It shall be the policy of the United States to encourage countries that are allies of the United States to identify alternatives, to the maximum extent practicable, to the use of critical minerals from foreign entities of concern.

(b) REPORT REQUIRED.—Not later than December 31, 2022, and annually thereafter, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report—

(1) describing the discussions of such Secretaries with countries that are allies of the United States concerning supply chain security for critical minerals;

(2) assessing the likelihood of those countries identifying alternatives, to the maximum extent practicable, to the use of critical minerals from foreign entities of concern or countries that such Secretaries deem to be of concern; and

(3) assessing initiatives in other countries to increase critical mineral mining and production capabilities.

(c) FOREIGN ENTITY OF CONCERN DEFINED.—In this section, the term ''foreign entity of concern'' has the meaning given that term in section 9901(6) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4651(6)).

SA 4821. Mr. BROWN (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. _____. MINORITY INSTITUTE FOR DEFENSE RESEARCH.

(a) PLAN TO PROMOTE DEFENSE RESEARCH AT MINORITY INSTITUTIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this section, the Secretary of Defense shall submit to the congressional defense committees a plan (in this section referred to as the ''Plan'')—

(A) to promote defense research activities at minority institutions to elevate the defense research capacity of minority institutions; and

(B) for the establishment of the Minority Institute for Defense Research (in this section referred to as the ''Consortium'').

(2) ELEMENTS.—The Plan shall include the following:

(A) An assessment relating to the engineering, research, and development capability, including the workforce, administrative support, and physical research infrastructure, of minority institutions and their ability to participate in defense research and engineering activities and effectively compete for defense research contracts.

(B) An assessment of the activities and investments necessary to elevate minority institutions or a consortium of minority institutions, including historically Black colleges and universities, to the level of R1 research institutions and increase their participation

in, and ability to effectively compete for, defense research and engineering activities.

(C) Recommendations relating to actions that may be taken by the Department of Defense, Congress, and minority institutions to establish the Consortium within 3 years.

(D) The specific goals, incentives, and metrics developed by the Secretary in subsection (c) to increase and measure the capacity of minority institutions to address the research and development needs of the Department.

(3) CONSULTATION.—In developing the plan under paragraph (1), the Secretary shall consult with such other public and private sector organizations as the Secretary considers appropriate.

(4) PUBLICLY AVAILABLE.—The Secretary shall post the Plan on a publicly available website of the Department.

(5) MINORITY INSTITUTION DEFINED.—In this subsection, the term ''minority institution'' means—

(A) a part B institution (as such term is defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)); or

(B) an accredited minority institution (as such term is defined in section 365 of the Higher Education Act of 1965 (20 U.S.C. 1067k)).

(b) ACTIVITIES TO SUPPORT RESEARCH AND ENGINEERING CAPACITY OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY-SERVING INSTITUTIONS OF HIGHER EDUCATION.—Subsection (c) of section 2362 of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

''(4) Developing the capability, including workforce, administrative support, and research infrastructure (including physical), of covered educational institutions to more effectively compete for Federal research and engineering funding opportunities.''.

(c) INCREASING INCENTIVES FOR NATIONAL SECURITY RESEARCH AND ENGINEERING ORGANIZATIONS TO COLLABORATE WITH HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY-SERVING INSTITUTIONS OF HIGHER EDUCATION.—Subsection (d) of such section is amended—

(1) by striking ''The Secretary of Defense may develop'' and inserting ''The Secretary of Defense shall—

''(1) develop'';

(2) in paragraph (1), as designated by paragraph (1), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(2) establish goals and incentives for each federally funded research and development center, science and technology reinvention laboratory, and university-affiliated research center funded by the Department of Defense to increase and measure the capacity of covered educational institutions to address the research and development needs of the Department through partnerships and collaborations.''.

(d) INCREASING PARTNERSHIPS FOR MINORITY INSTITUTIONS WITH NATIONAL SECURITY RESEARCH AND ENGINEERING ORGANIZATIONS.—Such section is amended—

(1) by redesignating subsections (e) and (f) as (f) and (g) respectively; and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) PARTNERSHIPS.—The Secretary of Defense shall—

''(1) require the core capabilities of each university-affiliated research center to include partnerships with covered educational institutions;

''(2) require in each indefinite delivery indefinite quantity established or renewed with a university-affiliated research center to establish or maintain a partnership with a specific covered educational institution or consortium of covered educational institutions for the purpose of capacity building at such covered educational institution or covered educational institutions;

''(3) require each university-affiliated research center to report annually on their subcontracts and other activities with covered educational institutions; and

''(4) post on a publicly available website of the Department a list of covered educational institutions and their defense research capabilities.''.

(e) DEFINITION OF UNIVERSITY-AFFILIATED RESEARCH CENTERS.—Subsection (g) of such section, as redesignated by subsection (d)(1), is amended to read as follows:

''(f) DEFINITIONS.—In this section:

''(1) the term 'covered educational institution' means—

''(A) an institution of higher education eligible for assistance under title III or V of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.); or

''(B) an accredited postsecondary minority institution.

''(2) The term 'university-affiliated research center' means a research organization within an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that—

''(A) provides or maintains Department essential engineering, research, or development capabilities; and

''(B) receives sole source contract funding from the Department pursuant to section 2304(c)(3)(B) of this title.''.

SEC. _____. FUNDING FOR APPLIED AND ADVANCED TECHNOLOGY DEVELOPMENT AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY INSTITUTIONS.

(a) ADDITIONAL FUNDING.—

(1) APPLIED RESEARCH.—(A) The amount authorized to be appropriated for fiscal year 2022 by section 201 for research, development, test, and evaluation is hereby increased by $10,000,000, with the amount of the increase to be available for Advancement of S&T Priorities (PE 0602251D8Z).

(B) The amount available under subparagraph (A) shall be available for minority institutions.

(2) ADVANCED TECHNOLOGY DEVELOPMENT.—(A) The amount authorized to be appropriated for fiscal year 2022 by section 201 for research, development, test, and evaluation is hereby increased by $10,000,000, with the amount of the increase to be available for Advanced Research (PE 0603180C).

(B) The amount available under subparagraph (A) shall be available for minority institutions.

(b) OFFSET.—The amount authorized to be appropriated for fiscal year 2022 by section 301 for operation and maintenance is hereby decreased by $20,000,000, with the amount of the decrease to be taken from amounts available as specified in the funding table in section 4301 for the Afghanistan Security Forces Fund, Afghan Air Force Sustainment.

(c) MINORITY INSTITUTION DEFINED.—In this subsection, the term ''minority institution'' means—

(1) a part B institution (as such term is defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)); or

(2) an accredited minority institution (as such term is defined in section 365 of the Higher Education Act of 1965 (20 U.S.C. 1067k)).

SA 4822. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 853 and insert the following:

SEC. 853. DETERMINATION WITH RESPECT TO OPTICAL FIBER FOR DEPARTMENT OF DEFENSE PURPOSES.

(a) DETERMINATION.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of Defense and the Director of the Cybersecurity and Infrastructure Security Agency, shall determine whether access, metro, and long-haul passive optical fiber and optical fiber cable that is manufactured or produced by an entity owned or controlled by the People's Republic of China pose an unacceptable risk to the national security of the United States or the security and safety of United States persons pursuant to section 2(b)(1) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601(b)(1)).

(2) APPLICABILITY.—If the Secretary of Commerce makes a determination that any such optical fiber or optical fiber cable would pose an unacceptable risk to the national security of the United States or the security and safety of United States persons, and the Commission makes the determination required under section 2(b)(2) of the Secure and Trusted Communications Networks Act (47 U.S.C. 1601(b)(2)), the inclusion of such optical fiber and optical fiber cable on the covered communications equipment and services list shall apply only to such optical fiber or optical fiber cable deployed after such determination.

(b) NOTIFICATION REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce shall notify the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Energy and Commerce of the House of Representatives of the findings of the review and determination required under subsection (a), publish the determination in the Federal Register, and submit that determination to the relevant Federal agencies, including the Department of Defense, the Cybersecurity and Infrastructure Security Agency, and the Federal Communications Commission.

(c) SAVINGS CLAUSE.—No determination made under section (a) shall impact the current filing and reimbursement process for the Secure and Trusted Communications Networks Reimbursement Program at the Federal Communications Commission.

(d) DEFINITIONS.—In this section:

(1) The term ''access'' means optical fiber and optical fiber cable that connects subscribers (residential and business) and radio sites to a service provider.

(2) The term ''control'' means the ability to determine the outcome of decision-making for a company through the strategic policy setting exercised by boards of directors or similar organizational governance bodies and the day-to-day management and administration of business operations as overseen by principals.

(3) The term ''long haul'' means optical fiber and optical fiber cable that connects cities and metropolitan areas.

(4) The term ''metro'' means optical fiber and optical fiber cable that connects city

business districts and central city and suburban areas.

(5) The term ''passive'' means unpowered optical fiber and optical fiber cable.

SA 4823. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 6505 and insert the following:

SEC. 6505. BRIEFING ON CONSULTATIONS WITH UNITED STATES ALLIES REGARDING NUCLEAR POSTURE REVIEW.

(a) IN GENERAL.—Not later than January 31, 2022, the Secretary of Defense, in coordination with the Secretary of State, shall brief the appropriate congressional committees on all consultations with United States allies and related matters regarding the 2021 Nuclear Posture Review.

(b) ELEMENTS.—The briefing required by subsection shall include the following:

(1) A listing of all countries consulted with respect to the 2021 Nuclear Posture Review, including the dates and circumstances of each such consultation and the countries present.

(2) An overview of the topics and concepts discussed with each such country during such consultations, including any discussion of potential changes to the nuclear declaratory policy of the United States.

(3) A summary of any feedback provided during such consultations.

(4) A description of the consultations conducted by the Department of Defense and the Department of State with experts outside such Departments and civil society organizations with respect to the 2021 Nuclear Posture Review.

(5) A listing of the consultants who participated in the 2021 Nuclear Posture Review in a formal or informal capacity.

(6) An identification of the options related to United States nuclear force structure and nuclear doctrine that were presented to the President by the Department of Defense.

SA 4824. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1064. ENSURING CONSIDERATION OF THE NATIONAL SECURITY IMPACTS OF URANIUM AS A CRITICAL MINERAL.

(a) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of Energy, the Secretary of the Interior (acting through the Director of the United States Geological Survey), and the Secretary of Commerce, shall conduct an assessment of the effect on national security that may result from uranium ceasing to be designated as a critical mineral by the Secretary of the Interior pursuant to section 7002(c) of the Energy Act of 2020 (division Z of Public Law 116–260; 30 U.S.C. 1606(c)).

(b) REPORT REQUIRED.—Not later than 180 days after enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the findings of the assessment conducted under subsection (a), including an assessment of—

(1) any effects the change in designation described in that subsection may have on domestic uranium production;

(2) any effects of the reliance of the United States on imports of uranium from foreign sources, including from state-owned entities, to supply fuel for commercial reactors;

(3) the effects of such reliance and other factors on the domestic production, conversion, fabrication, and enrichment of uranium as it relates to national security, including energy security purposes; and

(4) any effects on Federal national security programs, including existing and future uses of unobligated, United States-origin uranium.

(c) RECOMMENDATION ON URANIUM CRITICAL MINERAL DESIGNATION.—The report required by subsection (b) shall include a recommendation to the Secretary of the Interior regarding whether it is in the interest of the United States to consider uranium for future designation as a critical mineral pursuant to section 7002(c) of the Energy Act of 2020 (division Z of Public Law 116–260; 30 U.S.C. 1606(c)).

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Armed Services, the Committee on Energy and Commerce, and the Committee on Natural Resources of the House of Representatives.

SA 4825. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. HA–LEU FOR ADVANCED NUCLEAR REACTORS.

Section 2001 of the Energy Act of 2020 (42 U.S.C. 16281) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (D)—

(I) in clause (v)(III), by adding ''or'' after the semicolon at the end;

(II) by striking clause (vi); and

(III) by redesignating clause (vii) as clause (vi); and

(ii) in subparagraph (E), by striking ''for domestic commercial use'' and inserting ''to meet the needs of commercial, government, academic, and international entities''; and

(B) by redesignating paragraphs (6) and (7) as paragraphs (8) and (6), respectively, and moving the paragraphs so as to appear in numerical order;

(2) in subsection (b)(2)—

(A) by striking ''subsection (a)(1)'' each place it appears and inserting ''subsection (b)(1)'';

(B) in subparagraph (B)(viii), by striking ''subsection (a)(2)(F)'' and inserting ''subsection (b)(2)(F)''; and

(C) in subparagraph (D)(vi), by striking ''subsection (a)(2)(A)'' and inserting ''subsection (b)(2)(A)'';

(3) in subsection (c)—

(A) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and indenting appropriately; and

(B) in the matter preceding subparagraph (A) (as so redesignated)—

(i) by striking ''There are'' and inserting the following:

''(7) AUTHORIZATION OF APPROPRIATIONS.—There are''; and

(ii) by striking ''in this section'' and inserting ''under this subsection'';

(4) in subsection (d)—

(A) by redesignating paragraphs (1) through (6) as paragraphs (2), (3), (5), (6), (7), and (8), respectively;

(B) by inserting before paragraph (2) (as so redesignated) the following:

''(1) ADVANCED NUCLEAR REACTOR.—The term 'advanced nuclear reactor' has the meaning given the term in section 951(b) of the Energy Policy Act of 2005 (42 U.S.C. 16271(b)).''; and

(C) by inserting after paragraph (3) (as so redesignated) the following:

''(4) DEPARTMENT.—The term 'Department' means the Department of Energy.'';

(5) by moving paragraph (7) of subsection (c) (as designated by paragraph (3)(B)(i)) so as to appear after paragraph (6) of subsection (a) (as redesignated by paragraph (1)(B));

(6) by striking subsection (c);

(7) by redesignating subsections (a), (b), and (d) as subsections (b), (g), and (a), respectively, and moving the subsections so as to appear in alphabetical order; and

(8) by inserting after subsection (b) (as so redesignated) the following:

''(c) HA–LEU FOR ADVANCED NUCLEAR REACTOR DEMONSTRATION PROJECTS.—

''(1) ACTIVITIES.—Not later than 30 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2022, the Secretary shall initiate activities to make available HA–LEU, produced from inventories owned by the Department, for use by advanced nuclear reactors, with priority given to the awards made pursuant to the funding opportunity announcement of the Department numbered DE–FOA–0002271 for Pathway 1, Advanced Reactor Demonstrations, with additional HA–LEU to be made available to members of the consortium established under subsection (b)(2)(F), as available.

''(2) OWNERSHIP.—HA–LEU made available under this subsection—

''(A) shall remain the property of, and title shall remain with, the Department; and

''(B) shall not be subject to the requirements of section 3112(d)(2) and 3113 of the USEC Privatization Act (42 U.S.C. 2297h–10(d)(2), 2297h–11).

''(3) QUANTITY.—In carrying out activities under this subsection, the Secretary, to the maximum extent practicable, shall make available—

''(A) by September 30, 2024, not less than 3 metric tons of HA–LEU; and

''(B) by December 31, 2025, not less than an additional 15 metric tons of HA–LEU.

''(4) FACTORS FOR CONSIDERATION.—In carrying out activities under this subsection, the Secretary shall take into consideration—

''(A) options for providing HA–LEU from a stockpile of uranium owned by the Department (including the National Nuclear Security Administration), including—

''(i) fuel that—

''(I) directly meets the needs of the end-users described in paragraph (1); but

''(II) has been previously used or fabricated for another purpose;

''(ii) fuel that can meet the needs of the end-users described in paragraph (1) after removing radioactive or other contaminants that resulted from a previous use or fabrication of the fuel for research, development, demonstration, or deployment activities of the Department (including activities of the National Nuclear Security Administration);

''(iii) fuel from a high-enriched uranium stockpile, which can be blended with lower assay uranium to become HA–LEU to meet the needs of the end-users described in paragraph (1); and

''(iv) fuel from uranium stockpiles intended for other purposes, but for which material could be swapped or replaced in time in such a manner that would not negatively impact the missions of the Department;

''(B) options for providing HA–LEU from domestically enriched HA–LEU procured by the Department through a competitive process pursuant to the HA–LEU Bank established under subsection (d)(3)(C); and

''(C) options to replenish, as needed, Department stockpiles of uranium made available pursuant to subparagraph (A) with domestically enriched HA–LEU procured by the Department through a competitive process pursuant to the HA–LEU Bank established under subsection (d)(3)(C).

''(5) LIMITATION.—The Secretary shall not barter or otherwise sell or transfer uranium in any form in exchange for services relating to—

''(A) the final disposition of radioactive waste from uranium that is the subject of a contract for sale, resale, transfer, or lease under this subsection; or

''(B) environmental cleanup activities.

''(6) APPROPRIATIONS.—In addition to amounts otherwise made available, there is appropriated to the Secretary to carry out this subsection, out of any amounts in the Treasury not otherwise appropriated, $200,000,000 for each of fiscal years 2022 through 2026.

''(7) SUNSET.—The authority of the Secretary to carry out activities under this subsection shall terminate on the earlier of—

''(A) September 30, 2027; and

''(B) the date on which the HA–LEU needs of the end-users described in paragraph (1) can be fully met by commercial enrichers in the United States.

''(d) COMMERCIAL HA–LEU AVAILABILITY.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2022, the Secretary shall establish a program (referred to in this subsection as the 'program') to accelerate the availability of commercially produced HA–LEU in the United States in accordance with this subsection.

''(2) PURPOSES.—The purposes of the program are—

''(A) to provide for the availability of HA–LEU enriched, deconverted, and fabricated in the United States;

''(B) to address nuclear supply chain issues in the United States; and

''(C) to support strategic nuclear fuel cycle capabilities in the United States.

''(3) CONSIDERATIONS.—In carrying out the program, the Secretary shall consider and, as appropriate, execute—

''(A) options to establish, through a competitive process, a commercial HA–LEU production capability of not less than 20 metric tons of HA–LEU per year by—

''(i) December 31, 2026; or

''(ii) the earliest operationally feasible date thereafter;

''(B) options that provide for an array of HA–LEU—

''(i) enrichment levels;

''(ii) output levels to meet demand; and

''(iii) fuel forms; and

''(C) options to establish, through a competitive process, a HA–LEU Bank—

''(i) to replenish Department stockpiles of material used in carrying out activities under subsection (c); and

''(ii) after replenishing those stockpiles, to make HA–LEU available to members of the consortium established under subsection (b)(2)(F).

''(4) APPROPRIATIONS.—In addition to amounts otherwise made available, there is appropriated to the Secretary to carry out this subsection, out of any amounts in the Treasury not otherwise appropriated, $150,000,000 for each of fiscal years 2022 through 2031.

''(e) COST RECOVERY.—

''(1) IN GENERAL.—In carrying out activities under subsections (c) and (d), the Secretary shall ensure that any HA–LEU acquired, provided, or made available under those subsections for members of the consortium established under subsection (b)(2)(F) is subject to cost recovery in accordance with subsection (b)(2)(G).

''(2) AVAILABILITY OF CERTAIN FUNDS.—Notwithstanding section 3302 of title 31, United States Code, revenues received from the sale or transfer of fuel feed material and other activities related to making HA–LEU available pursuant to this section—

''(A) shall be available to the Department for carrying out the purposes of this section, to reduce the need for further appropriations for those purposes; and

''(B) shall remain available until expended.

''(f) EXCLUSION.—In carrying out activities under this section, the Secretary shall not make available, or provide funding for, uranium that is recovered, downblended, converted, or enriched by an entity that—

''(1) is owned or controlled by the Government of the Russian Federation or the Government of the People's Republic of China; or

''(2) is organized under the laws of, or otherwise subject to the jurisdiction of, the Russian Federation or the People's Republic of China.''.

SA 4826. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. STATE AND LOCAL LAW ENFORCEMENT ACCESS TO LIFESAVING FEDERAL EQUIPMENT.

(a) UNENFORCEABILITY OF CERTAIN REGULATIONS UNLESS ENACTED INTO LAW.—

(1) IN GENERAL.—No regulation, rule, guidance, policy, or recommendations issued on or after May 15, 2015, that limits the sale or donation of property of the Federal Government, including excess property of the Department of Defense, to State and local agencies for law enforcement activities (whether pursuant to section 2576a of title 10, United States Code, or any other provision of law, or as a condition on the use of Federal funds) shall have any force or effect after the date of the enactment of this Act unless enacted into law by Congress.

(2) PROHIBITION ON USE OF FUNDS TO ENFORCE REGULATIONS.—No agency or instrumentality of the Federal Government may use any Federal funds, fees, or resources to implement or carry out a regulation, rule, guidance, policy, or recommendation issued as described in subsection (a) that is not enacted into law by Congress.

(b) RETURN OR REISSUE OF EQUIPMENT RECALLED OR SEIZED PURSUANT TO REGULATIONS.—Any property recalled or seized on or after May 15, 2015, pursuant to a regulation, rule, guidance, policy, or recommendation issued as described in subsection (a) shall be returned, replaced, or re-issued to the agency from which recalled or seized, at no cost to such agency, as soon as practicable after the date of the enactment of this Act.

SA 4827. Mr. ROUNDS (for himself and Mr. VAN HOLLEN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. 1283. SENSE OF CONGRESS ON THE NECESSITY OF MAINTAINING THE UNITED NATIONS ARMS EMBARGO ON SOUTH SUDAN UNTIL CONDITIONS FOR PEACE, STABILITY, DEMOCRACY, AND DEVELOPMENT EXIST.

It is the sense of Congress that—

(1) the signatories to the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, signed on September 12, 2018, have delayed implementation, leading to continued conflict and instability in South Sudan;

(2) despite years of fighting, 2 peace agreements, punitive actions by the international community, and widespread suffering among civilian populations, the leaders of South Sudan have failed to build sustainable peace;

(3) the United Nations arms embargo on South Sudan, most recently extended by 1 year to May 31, 2022, through United Nations Security Council Resolution 2577 (2021), is a necessary act by the international community to stem the illicit transfer and destabilizing accumulation and misuse of small arms and light weapons in perpetuation of the conflict in South Sudan;

(4) the United States should call on other member states of the United Nations to redouble efforts to enforce the United Nations arms embargo on South Sudan; and

(5) the United States, through the United States Mission to the United Nations, should use its voice and vote in the United Nations Security Council in favor of maintaining the United Nations arms embargo on South Sudan until—

(A) the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan is fully implemented; or

(B) credible, fair, and transparent democratic elections are held in South Sudan.

SA 4828. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year

2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, insert the following:

SEC. 1216. STRATEGY TO SUPPORT NATIONALS OF AFGHANISTAN WHO ARE APPLICANTS FOR SPECIAL IMMIGRANT VISAS OR FOR REFERRAL TO THE UNITED STATES REFUGEE ADMISSIONS PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should increase support for nationals of Afghanistan who aided the United States mission in Afghanistan during the past 20 years and are now under threat from the Taliban, specifically such nationals of Afghanistan, in Afghanistan or third countries, who are applicants for—

(1) special immigrant visas under the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) or section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–163); or

(2) referral to the United States Refugee Admissions Program as refugees (as defined in section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42))), including as Priority 2 refugees.

(b) STRATEGY.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Homeland Security and the heads of other relevant Federal departments and agencies, shall submit to the appropriate committees of Congress a strategy for the safe processing abroad of nationals of Afghanistan described in subsection (a).

(2) ELEMENTS.—The strategy required by paragraph (1) shall include a detailed plan—

(A) to prioritize for evacuation from Afghanistan nationals of Afghanistan described in subsection (a);

(B) to provide for expedited initial security vetting for such nationals of Afghanistan, to be conducted remotely before their departure from Afghanistan;

(C) to facilitate, after such vetting, the rapid departure from Afghanistan by air charter and land passage of such nationals of Afghanistan who satisfy the requirements of such vetting;

(D) to provide letters of support, diplomatic notes, and other documentation, as appropriate, to ease transit for such nationals of Afghanistan;

(E) to engage governments of relevant countries to better facilitate evacuation of such nationals of Afghanistan;

(F) to disseminate frequent updates to such nationals of Afghanistan and relevant nongovernmental organizations with respect to evacuation from Afghanistan;

(G) to identify and establish sufficient locations outside Afghanistan and the United States that will accept such nationals of Afghanistan during application processing (including during the processes of vetting and establishing the eligibility of such nationals of Afghanistan before their travel to the United States, which shall include any required in-person interviews) for—

(i) the special immigrant visas described in paragraph (1) of subsection (a); or

(ii) referral to the United States Refugee Admissions Program described in paragraph (2) of that subsection;

(H) to identify necessary resource, personnel, and equipment requirements to increase capacity to better support such nationals of Afghanistan and reduce their application processing times, while ensuring strict and necessary security vetting, including, to the extent practicable, by allowing such nationals of Afghanistan to receive referrals to the United States Refugee Admissions Program while they are still in Afghanistan so as to initiate application processing more expeditiously; and

(I) to provide for relocation outside Afghanistan to third countries for nationals of Afghanistan described in subsection (a) who are unable to successfully complete security vetting and application processing to establish eligibility to travel to the United States.

(3) FORM.—The strategy required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) MONTHLY REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and monthly thereafter until December 31, 2022, the Secretary of State, in coordination with the Secretary of Homeland Security and the heads of other relevant Federal departments and agencies, shall submit to the appropriate committees of Congress a report on efforts to support nationals of Afghanistan described in subsection (a).

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

(A) The number of nationals of Afghanistan referred to the United States Refugee Admissions Program as Priority 1 and Priority 2 refugees since August 29, 2021.

(B) An assessment of whether each such refugee—

(i) remains in Afghanistan; or

(ii) is outside Afghanistan.

(C) With respect to nationals of Afghanistan who have applied for referral to the United States Refugee Program, the number applications that—

(i) have been approved;

(ii) have been denied; and

(iii) are pending adjudication.

(D) The number of nationals of Afghanistan who have pending applications for special immigrant visas described in subsection (a)(1), disaggregated by the special immigrant visa processing steps completed with respect to such individuals.

(E) A description of the measures taken to implement the strategy under subsection (b).

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Foreign Relations, the Committee on the Judiciary, the Committee on Homeland Security and Governmental Affairs; and the Committee on Armed Services of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on the Judiciary, the Committee on Homeland Security, and the Committee on Armed Services of the House of Representatives.

SA 4829. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. RELEASE OF REVERSIONARY INTEREST OF THE UNITED STATES IN NON-FEDERAL LAND IN SALT LAKE CITY, UTAH.

(a) RELEASE.—There is released to the University of Utah, without consideration, the reversionary interest of the United States in the non-Federal land described in subsection (b).

(b) DESCRIPTION OF NON-FEDERAL LAND.—The non-Federal land referred to in subsection (a) is the approximately 593 acres of land of the University of Utah—

(1) depicted as ''U of U Research Park'' on the map—

(A) prepared by the Bureau of Land Management;

(B) entitled ''University of Utah-Research Park''; and

(C) dated September 23, 2021;

(2) identified in the patent—

(A) numbered 43–99–0012; and

(B) dated October 18, 1968; and

(3) more particularly described as tracts D (excluding the parcels numbered 1, 2, 3, 4, and 5), G, and J, T. 1 S., R. 1 E., Salt Lake Meridian.

SA 4830. Mr. MANCHIN (for himself, Mrs. CAPITO, Mrs. HYDE-SMITH, Mr. ROMNEY, Mr. COTTON, Mrs. BLACKBURN, and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1043. HONORING HERSHEL WOODROW "WOODY" WILLIAMS AS THE LAST SURVIVING MEDAL OF HONOR RECIPIENT OF WORLD WAR II.

(a) USE OF ROTUNDA.—Upon his death, Hershel Woodrow ''Woody'' Williams, who is the last surviving recipient of the Medal of Honor for acts performed during World War II, shall be permitted to lie in state in the rotunda of the United States Capitol if he or his next of kin so elects.

(b) IMPLEMENTATION.—The Architect of the Capitol, under the direction of the President pro tempore of the Senate and the Speaker of the House of Representatives, shall take the necessary steps to implement subsection (a).

SA 4831. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—FEDERAL INFORMATION SECURITY MODERNIZATION ACT OF 2021

SEC. 5101. SHORT TITLE.

This division may be cited as the ''Federal Information Security Modernization Act of 2021''.

SEC. 5102. DEFINITIONS.

In this division, unless otherwise specified:

(1) ADDITIONAL CYBERSECURITY PROCEDURE.—The term ''additional cybersecurity procedure'' has the meaning given the term in section 3552(b) of title 44, United States Code, as amended by this division.

(2) AGENCY.—The term ''agency'' has the meaning given the term in section 3502 of title 44, United States Code.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Oversight and Reform of the House of Representatives; and

(C) the Committee on Homeland Security of the House of Representatives.

(4) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(5) INCIDENT.—The term ''incident'' has the meaning given the term in section 3552(b) of title 44, United States Code.

(6) NATIONAL SECURITY SYSTEM.—The term ''national security system'' has the meaning given the term in section 3552(b) of title 44, United States Code.

(7) PENETRATION TEST.—The term ''penetration test'' has the meaning given the term in section 3552(b) of title 44, United States Code, as amended by this division.

(8) THREAT HUNTING.—The term ''threat hunting'' means proactively and iteratively searching for threats to systems that evade detection by automated threat detection systems.

TITLE LI—UPDATES TO FISMA

SEC. 5121. TITLE 44 AMENDMENTS.

(a) SUBCHAPTER I AMENDMENTS.—Subchapter I of chapter 35 of title 44, United States Code, is amended—

(1) in section 3504—

(A) in subsection (a)(1)(B)—

(i) by striking clause (v) and inserting the following:

''(v) confidentiality, privacy, disclosure, and sharing of information;'';

(ii) by redesignating clause (vi) as clause (vii); and

(iii) by inserting after clause (v) the following:

''(vi) in consultation with the National Cyber Director and the Director of the Cybersecurity and Infrastructure Security Agency, security of information; and''; and

(B) in subsection (g), by striking paragraph (1) and inserting the following:

''(1) develop, and in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director, oversee the implementation of policies, principles, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for agencies; and'';

(2) in section 3505—

(A) in paragraph (3) of the first subsection designated as subsection (c)—

(i) in subparagraph (B)—

(I) by inserting ''the Director of the Cybersecurity and Infrastructure Security Agency, the National Cyber Director, and'' before ''the Comptroller General''; and

(II) by striking ''and'' at the end;

(ii) in subparagraph (C)(v), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(D) maintained on a continual basis through the use of automation, machine-readable data, and scanning.''; and

(B) by striking the second subsection designated as subsection (c);

(3) in section 3506—

(A) in subsection (b)(1)(C), by inserting '', availability'' after ''integrity''; and

(B) in subsection (h)(3), by inserting ''security,'' after ''efficiency,''; and

(4) in section 3513—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following:

''(c) Each agency providing a written plan under subsection (b) shall provide any portion of the written plan addressing information security or cybersecurity to the Director of the Cybersecurity and Infrastructure Security Agency.''.

(b) SUBCHAPTER II DEFINITIONS.—

(1) IN GENERAL.—Section 3552(b) of title 44, United States Code, is amended—

(A) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), (6), (9), and (11), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

''(1) The term 'additional cybersecurity procedure' means a process, procedure, or other activity that is established in excess of the information security standards promulgated under section 11331(b) of title 40 to increase the security and reduce the cybersecurity risk of agency systems.'';

(C) by inserting after paragraph (6), as so redesignated, the following:

''(7) The term 'high value asset' means information or an information system that the head of an agency determines so critical to the agency that the loss or corruption of the information or the loss of access to the information system would have a serious impact on the ability of the agency to perform the mission of the agency or conduct business.

''(8) The term 'major incident' has the meaning given the term in guidance issued by the Director under section 3598(a).'';

(D) by inserting after paragraph (9), as so redesignated, the following:

''(10) The term 'penetration test' means a specialized type of assessment that—

''(A) is conducted on an information system or a component of an information system; and

''(B) emulates an attack or other exploitation capability of a potential adversary, typically under specific constraints, in order to identify any vulnerabilities of an information system or a component of an information system that could be exploited.''; and

(E) by inserting after paragraph (11), as so redesignated, the following:

''(12) The term 'shared service' means a centralized business or mission capability that is provided to multiple organizations within an agency or to multiple agencies.''.

(2) CONFORMING AMENDMENTS.—

(A) HOMELAND SECURITY ACT OF 2002.—Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 511(1)(A)) is amended by striking ''section 3552(b)(5)'' and inserting ''section 3552(b)''.

(B) TITLE 10.—

(i) SECTION 2222.—Section 2222(i)(8) of title 10, United States Code, is amended by striking ''section 3552(b)(6)(A)'' and inserting ''section 3552(b)(9)(A)''.

(ii) SECTION 2223.—Section 2223(c)(3) of title 10, United States Code, is amended by striking ''section 3552(b)(6)'' and inserting ''section 3552(b)''.

(iii) SECTION 2315.—Section 2315 of title 10, United States Code, is amended by striking ''section 3552(b)(6)'' and inserting ''section 3552(b)''.

(iv) SECTION 2339A.—Section 2339a(e)(5) of title 10, United States Code, is amended by striking ''section 3552(b)(6)'' and inserting ''section 3552(b)''.

(C) HIGH-PERFORMANCE COMPUTING ACT OF 1991.—Section 207(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5527(a)) is amended by striking ''section 3552(b)(6)(A)(i)'' and inserting ''section 3552(b)(9)(A)(i)''.

(D) INTERNET OF THINGS CYBERSECURITY IMPROVEMENT ACT OF 2020.—Section 3(5) of the Internet of Things Cybersecurity Improvement Act of 2020 (15 U.S.C. 278g–3a) is amended by striking ''section 3552(b)(6)'' and inserting ''section 3552(b)''.

(E) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013.—Section 933(e)(1)(B) of the National Defense Authorization Act for Fiscal Year 2013 (10 U.S.C. 2224 note) is amended by striking ''section 3542(b)(2)'' and inserting ''section 3552(b)''.

(F) IKE SKELTON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011.—The Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383) is amended—

(i) in section 806(e)(5) (10 U.S.C. 2304 note), by striking ''section 3542(b)'' and inserting ''section 3552(b)'';

(ii) in section 931(b)(3) (10 U.S.C. 2223 note), by striking ''section 3542(b)(2)'' and inserting ''section 3552(b)''; and

(iii) in section 932(b)(2) (10 U.S.C. 2224 note), by striking ''section 3542(b)(2)'' and inserting ''section 3552(b)''.

(G) E-GOVERNMENT ACT OF 2002.—Section 301(c)(1)(A) of the E-Government Act of 2002 (44 U.S.C. 3501 note) is amended by striking ''section 3542(b)(2)'' and inserting ''section 3552(b)''.

(H) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT.—Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended—

(i) in subsection (a)(2), by striking ''section 3552(b)(5)'' and inserting ''section 3552(b)''; and

(ii) in subsection (f)—

(I) in paragraph (3), by striking ''section 3532(1)'' and inserting ''section 3552(b)''; and

(II) in paragraph (5), by striking ''section 3532(b)(2)'' and inserting ''section 3552(b)''.

(c) SUBCHAPTER II AMENDMENTS.—Subchapter II of chapter 35 of title 44, United States Code, is amended—

(1) in section 3551—

(A) in paragraph (4), by striking ''diagnose and improve'' and inserting ''integrate, deliver, diagnose, and improve'';

(B) in paragraph (5), by striking ''and'' at the end;

(C) in paragraph (6), by striking the period at the end and inserting a semi colon; and

(D) by adding at the end the following:

''(7) recognize that each agency has specific mission requirements and, at times, unique cybersecurity requirements to meet the mission of the agency;

''(8) recognize that each agency does not have the same resources to secure agency systems, and an agency should not be expected to have the capability to secure the systems of the agency from advanced adversaries alone; and

''(9) recognize that a holistic Federal cybersecurity model is necessary to account for differences between the missions and capabilities of agencies.'';

(2) in section 3553—

(A) by striking the section heading and inserting ''**Authority and functions of the Director and the Director of the Cybersecurity and Infrastructure Security Agency**''.

(B) in subsection (a)—

(i) in paragraph (1), by inserting '', in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director,'' before ''overseeing'';

(ii) in paragraph (5), by striking ''and'' at the end; and

(iii) by adding at the end the following:

''(8) promoting, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the Director of the

National Institute of Standards and Technology—

''(A) the use of automation to improve Federal cybersecurity and visibility with respect to the implementation of Federal cybersecurity; and

''(B) the use of presumption of compromise and least privilege principles to improve resiliency and timely response actions to incidents on Federal systems.'';

(C) in subsection (b)—

(i) by striking the subsection heading and inserting ''CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY'';

(ii) in the matter preceding paragraph (1), by striking ''The Secretary, in consultation with the Director'' and inserting ''The Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director and the National Cyber Director'';

(iii) in paragraph (2)—

(I) in subparagraph (A), by inserting ''and reporting requirements under subchapter IV of this title'' after ''section 3556''; and

(II) in subparagraph (D), by striking ''the Director or Secretary'' and inserting ''the Director of the Cybersecurity and Infrastructure Security Agency'';

(iv) in paragraph (5), by striking ''coordinating'' and inserting ''leading the coordination of'';

(v) in paragraph (8), by striking ''the Secretary's discretion'' and inserting ''the Director of the Cybersecurity and Infrastructure Security Agency's discretion''; and

(vi) in paragraph (9), by striking ''as the Director or the Secretary, in consultation with the Director,'' and inserting ''as the Director of the Cybersecurity and Infrastructure Security Agency'';

(D) in subsection (c)—

(i) in the matter preceding paragraph (1), by striking ''each year'' and inserting ''each year during which agencies are required to submit reports under section 3554(c)'';

(ii) by striking paragraph (1);

(iii) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(iv) in paragraph (3), as so redesignated, by striking ''and'' at the end;

(v) by inserting after paragraph (3), as so redesignated the following:

''(4) a summary of each assessment of Federal risk posture performed under subsection (i);''; and

(vi) in paragraph (5), by striking the period at the end and inserting ''; and'';

(E) by redesignating subsections (i), (j), (k), and (l) as subsections (j), (k), (l), and (m) respectively;

(F) by inserting after subsection (h) the following:

''(i) FEDERAL RISK ASSESSMENTS.—On an ongoing and continuous basis, the Director of the Cybersecurity and Infrastructure Security Agency shall perform assessments of Federal risk posture using any available information on the cybersecurity posture of agencies, and brief the Director and National Cyber Director on the findings of those assessments including—

''(1) the status of agency cybersecurity remedial actions described in section 3554(b)(7);

''(2) any vulnerability information relating to the systems of an agency that is known by the agency;

''(3) analysis of incident information under section 3597;

''(4) evaluation of penetration testing performed under section 3559A;

''(5) evaluation of vulnerability disclosure program information under section 3559B;

''(6) evaluation of agency threat hunting results;

''(7) evaluation of Federal and non-Federal cyber threat intelligence;

''(8) data on agency compliance with standards issued under section 11331 of title 40;

''(9) agency system risk assessments performed under section 3554(a)(1)(A); and

''(10) any other information the Director of the Cybersecurity and Infrastructure Security Agency determines relevant.''; and

(G) in subsection (j), as so redesignated—

(i) by striking ''regarding the specific'' and inserting ''that includes a summary of—

''(1) the specific'';

(ii) in paragraph (1), as so designated, by striking the period at the end and inserting ''; and'' and

(iii) by adding at the end the following:

''(2) the trends identified in the Federal risk assessment performed under subsection (i).''; and

(H) by adding at the end the following:

''(n) BINDING OPERATIONAL DIRECTIVES.—If the Director of the Cybersecurity and Infrastructure Security Agency issues a binding operational directive or an emergency directive under this section, not later than 2 days after the date on which the binding operational directive requires an agency to take an action, the Director of the Cybersecurity and Infrastructure Security Agency shall provide to the appropriate reporting entities the status of the implementation of the binding operational directive at the agency.'';

(3) in section 3554—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D), respectively;

(II) by inserting before subparagraph (B), as so redesignated, the following:

''(A) on an ongoing and continuous basis, performing agency system risk assessments that—

''(i) identify and document the high value assets of the agency using guidance from the Director;

''(ii) evaluate the data assets inventoried under section 3511 for sensitivity to compromises in confidentiality, integrity, and availability;

''(iii) identify agency systems that have access to or hold the data assets inventoried under section 3511;

''(iv) evaluate the threats facing agency systems and data, including high value assets, based on Federal and non-Federal cyber threat intelligence products, where available;

''(v) evaluate the vulnerability of agency systems and data, including high value assets, including by analyzing—

''(I) the results of penetration testing performed by the Department of Homeland Security under section 3553(b)(9);

''(II) the results of penetration testing performed under section 3559A;

''(III) information provided to the agency through the vulnerability disclosure program of the agency under section 3559B;

''(IV) incidents; and

''(V) any other vulnerability information relating to agency systems that is known to the agency;

''(vi) assess the impacts of potential agency incidents to agency systems, data, and operations based on the evaluations described in clauses (ii) and (iv) and the agency systems identified under clause (iii); and

''(vii) assess the consequences of potential incidents occurring on agency systems that would impact systems at other agencies, including due to interconnectivity between different agency systems or operational reliance on the operations of the system or data in the system;'';

(III) in subparagraph (B), as so redesignated, in the matter preceding clause (i), by striking ''providing information'' and inserting ''using information from the assessment conducted under subparagraph (A), providing, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, information'';

(IV) in subparagraph (C), as so redesignated—

(aa) in clause (ii) by inserting ''binding'' before ''operational''; and

(bb) in clause (vi), by striking ''and'' at the end; and

(V) by adding at the end the following:

''(E) providing an update on the ongoing and continuous assessment performed under subparagraph (A)—

''(i) upon request, to the inspector general of the agency or the Comptroller General of the United States; and

''(ii) on a periodic basis, as determined by guidance issued by the Director but not less frequently than annually, to—

''(I) the Director;

''(II) the Director of the Cybersecurity and Infrastructure Security Agency; and

''(III) the National Cyber Director;

''(F) in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and not less frequently than once every 3 years, performing an evaluation of whether additional cybersecurity procedures are appropriate for securing a system of, or under the supervision of, the agency, which shall—

''(i) be completed considering the agency system risk assessment performed under subparagraph (A); and

''(ii) include a specific evaluation for high value assets;

''(G) not later than 30 days after completing the evaluation performed under subparagraph (F), providing the evaluation and an implementation plan, if applicable, for using additional cybersecurity procedures determined to be appropriate to—

''(i) the Director of the Cybersecurity and Infrastructure Security Agency;

''(ii) the Director; and

''(iii) the National Cyber Director; and

''(H) if the head of the agency determines there is need for additional cybersecurity procedures, ensuring that those additional cybersecurity procedures are reflected in the budget request of the agency in accordance with the risk-based cyber budget model developed pursuant to section 3553(a)(7);'';

(ii) in paragraph (2)—

(I) in subparagraph (A), by inserting ''in accordance with the agency system risk assessment performed under paragraph (1)(A)'' after ''information systems'';

(II) in subparagraph (B)—

(aa) by striking ''in accordance with standards'' and inserting ''in accordance with—

''(i) standards''; and

(bb) by adding at the end the following:

''(ii) the evaluation performed under paragraph (1)(F); and

''(iii) the implementation plan described in paragraph (1)(G);''; and

(III) in subparagraph (D), by inserting '', through the use of penetration testing, the vulnerability disclosure program established under section 3559B, and other means,'' after ''periodically'';

(iii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) in clause (iii), by striking ''and'' at the end;

(bb) in clause (iv), by adding ''and'' at the end; and

(cc) by adding at the end the following:

''(v) ensure that—

''(I) senior agency information security officers of component agencies carry out responsibilities under this subchapter, as directed by the senior agency information security officer of the agency or an equivalent official; and

''(II) senior agency information security officers of component agencies report to—

''(aa) the senior information security officer of the agency or an equivalent official; and

''(bb) the Chief Information Officer of the component agency or an equivalent official;''; and

(iv) in paragraph (5), by inserting ''and the Director of the Cybersecurity and Infrastructure Security Agency'' before ''on the effectiveness'';

(B) in subsection (b)—

(i) by striking paragraph (1) and inserting the following:

''(1) pursuant to subsection (a)(1)(A), performing ongoing and continuous agency system risk assessments, which may include using guidelines and automated tools consistent with standards and guidelines promulgated under section 11331 of title 40, as applicable;'';

(ii) in paragraph (2)—

(I) by striking subparagraph (B) and inserting the following:

''(B) comply with the risk-based cyber budget model developed pursuant to section 3553(a)(7);''; and

(II) in subparagraph (D)—

(aa) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively;

(bb) by inserting after clause (ii) the following:

''(iii) binding operational directives and emergency directives promulgated by the Director of the Cybersecurity and Infrastructure Security Agency under section 3553;''; and

(cc) in clause (iv), as so redesignated, by striking ''as determined by the agency; and'' and inserting ''as determined by the agency, considering—

''(I) the agency risk assessment performed under subsection (a)(1)(A); and

''(II) the determinations of applying more stringent standards and additional cybersecurity procedures pursuant to section 11331(c)(1) of title 40; and'';

(iii) in paragraph (5)(A), by inserting '', including penetration testing, as appropriate,'' after ''shall include testing'';

(iv) in paragraph (6), by striking ''planning, implementing, evaluating, and documenting'' and inserting ''planning and implementing and, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, evaluating and documenting'';

(v) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively;

(vi) by inserting after paragraph (6) the following:

''(7) a process for providing the status of every remedial action and known system vulnerability to the Director and the Director of the Cybersecurity and Infrastructure Security Agency, using automation and machine-readable data to the greatest extent practicable;''; and

(vii) in paragraph (8)(C), as so redesignated—

(I) by striking clause (ii) and inserting the following:

''(ii) notifying and consulting with the Federal information security incident center established under section 3556 pursuant to the requirements of section 3594;'';

(II) by redesignating clause (iii) as clause (iv);

(III) by inserting after clause (ii) the following:

''(iii) performing the notifications and other activities required under subchapter IV of this title; and''; and

(IV) in clause (iv), as so redesignated—

(aa) in subclause (I), by striking ''and relevant offices of inspectors general'';

(bb) in subclause (II), by adding ''and'' at the end;

(cc) by striking subclause (III); and

(dd) by redesignating subclause (IV) as subclause (III);

(C) in subsection (c)—

(i) by redesignating paragraph (2) as paragraph (5);

(ii) by striking paragraph (1) and inserting the following:

''(1) BIANNUAL REPORT.—Not later than 2 years after the date of enactment of the Federal Information Security Modernization Act of 2021 and not less frequently than once every 2 years thereafter, using the continuous and ongoing agency system risk assessment under subsection (a)(1)(A), the head of each agency shall submit to the Director, the Director of the Cybersecurity and Infrastructure Security Agency, the majority and minority leaders of the Senate, the Speaker and minority leader of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, the appropriate authorization and appropriations committees of Congress, the National Cyber Director, and the Comptroller General of the United States a report that—

''(A) summarizes the agency system risk assessment performed under subsection (a)(1)(A);

''(B) evaluates the adequacy and effectiveness of information security policies, procedures, and practices of the agency to address the risks identified in the agency system risk assessment performed under subsection (a)(1)(A), including an analysis of the agency's cybersecurity and incident response capabilities using the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c));

''(C) summarizes the evaluation and implementation plans described in subparagraphs (F) and (G) of subsection (a)(1) and whether those evaluation and implementation plans call for the use of additional cybersecurity procedures determined to be appropriate by the agency; and

''(D) summarizes the status of remedial actions identified by inspector general of the agency, the Comptroller General of the United States, and any other source determined appropriate by the head of the agency.

''(2) UNCLASSIFIED REPORTS.—Each report submitted under paragraph (1)—

''(A) shall be, to the greatest extent practicable, in an unclassified and otherwise uncontrolled form; and

''(B) may include a classified annex.

''(3) ACCESS TO INFORMATION.—The head of an agency shall ensure that, to the greatest extent practicable, information is included in the unclassified form of the report submitted by the agency under paragraph (2)(A).

''(4) BRIEFINGS.—During each year during which a report is not required to be submitted under paragraph (1), the Director shall provide to the congressional committees described in paragraph (1) a briefing summarizing current agency and Federal risk postures.''; and

(iii) in paragraph (5), as so redesignated, by striking the period at the end and inserting '', including the reporting procedures established under section 11315(d) of title 40 and subsection (a)(3)(A)(v) of this section.''; and

(D) in subsection (d)(1), in the matter preceding subparagraph (A), by inserting ''and the Director of the Cybersecurity and Infrastructure Security Agency'' after ''the Director''; and

(4) in section 3555—

(A) in the section heading, by striking ''**ANNUAL INDEPENDENT**'' and inserting ''**INDEPENDENT**'';

(B) in subsection (a)—

(i) in paragraph (1), by inserting ''during which a report is required to be submitted under section 3553(c),'' after ''Each year'';

(ii) in paragraph (2)(A), by inserting '', including by penetration testing and analyzing the vulnerability disclosure program of the agency'' after ''information systems''; and

(iii) by adding at the end the following:

''(3) An evaluation under this section may include recommendations for improving the cybersecurity posture of the agency.'';

(C) in subsection (b)(1), by striking ''annual'';

(D) in subsection (e)(1), by inserting ''during which a report is required to be submitted under section 3553(c)'' after ''Each year'';

(E) by striking subsection (f) and inserting the following:

''(f) PROTECTION OF INFORMATION.—(1) Agencies, evaluators, and other recipients of information that, if disclosed, may cause grave harm to the efforts of Federal information security officers shall take appropriate steps to ensure the protection of that information, including safeguarding the information from public disclosure.

''(2) The protections required under paragraph (1) shall be commensurate with the risk and comply with all applicable laws and regulations.

''(3) With respect to information that is not related to national security systems, agencies and evaluators shall make a summary of the information unclassified and publicly available, including information that does not identify—

''(A) specific information system incidents; or

''(B) specific information system vulnerabilities.'';

(F) in subsection (g)(2)—

(i) by striking ''this subsection shall'' and inserting ''this subsection—

''(A) shall'';

(ii) in subparagraph (A), as so designated, by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(B) identify any entity that performs an independent evaluation under subsection (b).''; and

(G) by striking subsection (j) and inserting the following:

''(j) GUIDANCE.—

''(1) IN GENERAL.—The Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, the Chief Information Officers Council, the Council of the Inspectors General on Integrity and Efficiency, and other interested parties as appropriate, shall ensure the development of guidance for evaluating the effectiveness of an information security program and practices

''(2) PRIORITIES.—The guidance developed under paragraph (1) shall prioritize the identification of—

''(A) the most common threat patterns experienced by each agency;

''(B) the security controls that address the threat patterns described in subparagraph (A); and

''(C) any other security risks unique to the networks of each agency.''; and

(5) in section 3556(a)—

(A) in the matter preceding paragraph (1), by inserting ''within the Cybersecurity and Infrastructure Security Agency'' after ''incident center''; and

(B) in paragraph (4), by striking ''3554(b)'' and inserting ''3554(a)(1)(A)''.

(d) CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 35 of title 44, United States Code, is amended—

(A) by striking the item relating to section 3553 and inserting the following:

''3553. Authority and functions of the Director and the Director of the Cybersecurity and Infrastructure Security Agency.''; and

(B) by striking the item relating to section 3555 and inserting the following:

''3555. Independent evaluation.''.

(2) OMB REPORTS.—Section 226(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1524(c)) is amended—

(A) in paragraph (1)(B), in the matter preceding clause (i), by striking ''annually thereafter'' and inserting ''thereafter during the years during which a report is required to be submitted under section 3553(c) of title 44, United States Code''; and

(B) in paragraph (2)(B), in the matter preceding clause (i)—

(i) by striking ''annually thereafter'' and inserting ''thereafter during the years during which a report is required to be submitted under section 3553(c) of title 44, United States Code''; and

(ii) by striking ''the report required under section 3553(c) of title 44, United States Code'' and inserting ''that report''.

(3) NIST RESPONSIBILITIES.—Section 20(d)(3)(B) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(d)(3)(B)) is amended by striking ''annual''.

(e) FEDERAL SYSTEM INCIDENT RESPONSE.—

(1) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—FEDERAL SYSTEM INCIDENT RESPONSE

''§ 3591. Definitions

''(a) IN GENERAL.—Except as provided in subsection (b), the definitions under sections 3502 and 3552 shall apply to this subchapter.

''(b) ADDITIONAL DEFINITIONS.—As used in this subchapter:

''(1) APPROPRIATE REPORTING ENTITIES.—The term 'appropriate reporting entities' means—

''(A) the majority and minority leaders of the Senate;

''(B) the Speaker and minority leader of the House of Representatives;

''(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(D) the Committee on Oversight and Reform of the House of Representatives;

''(E) the Committee on Homeland Security of the House of Representatives;

''(F) the appropriate authorization and appropriations committees of Congress;

''(G) the Director;

''(H) the Director of the Cybersecurity and Infrastructure Security Agency;

''(I) the National Cyber Director;

''(J) the Comptroller General of the United States; and

''(K) the inspector general of any impacted agency.

''(2) AWARDEE.—The term 'awardee'—

''(A) means a person, business, or other entity that receives a grant from, or is a party to a cooperative agreement or an other transaction agreement with, an agency; and

''(B) includes any subgrantee of a person, business, or other entity described in subparagraph (A).

''(3) BREACH.—The term 'breach' means—

''(A) a compromise of the security, confidentiality, or integrity of data in electronic form that results in unauthorized access to, or an acquisition of, personal information; or

''(B) a loss of data in electronic form that results in unauthorized access to, or an acquisition of, personal information.

''(4) CONTRACTOR.—The term 'contractor' means—

''(A) a prime contractor of an agency or a subcontractor of a prime contractor of an agency; and

''(B) any person or business that collects or maintains information, including personally identifiable information, on behalf of an agency.

''(5) FEDERAL INFORMATION.—The term 'Federal information' means information created, collected, processed, maintained, disseminated, disclosed, or disposed of by or for the Federal Government in any medium or form.

''(6) FEDERAL INFORMATION SYSTEM.—The term 'Federal information system' means an information system used or operated by an agency, a contractor, an awardee, or another organization on behalf of an agency.

''(7) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given the term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

''(8) NATIONWIDE CONSUMER REPORTING AGENCY.—The term 'nationwide consumer reporting agency' means a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)).

''(9) VULNERABILITY DISCLOSURE.—The term 'vulnerability disclosure' means a vulnerability identified under section 3559B.

''§ 3592. Notification of breach

''(a) NOTIFICATION.—As expeditiously as practicable and without unreasonable delay, and in any case not later than 45 days after an agency has a reasonable basis to conclude that a breach has occurred, the head of the agency, in consultation with a senior privacy officer of the agency, shall—

''(1) determine whether notice to any individual potentially affected by the breach is appropriate based on an assessment of the risk of harm to the individual that considers—

''(A) the nature and sensitivity of the personally identifiable information affected by the breach;

''(B) the likelihood of access to and use of the personally identifiable information affected by the breach;

''(C) the type of breach; and

''(D) any other factors determined by the Director; and

''(2) as appropriate, provide written notice in accordance with subsection (b) to each individual potentially affected by the breach—

''(A) to the last known mailing address of the individual; or

''(B) through an appropriate alternative method of notification that the head of the agency or a designated senior-level individual of the agency selects based on factors determined by the Director.

''(b) CONTENTS OF NOTICE.—Each notice of a breach provided to an individual under subsection (a)(2) shall include—

''(1) a brief description of the rationale for the determination that notice should be provided under subsection (a);

''(2) if possible, a description of the types of personally identifiable information affected by the breach;

''(3) contact information of the agency that may be used to ask questions of the agency, which—

''(A) shall include an e-mail address or another digital contact mechanism; and

''(B) may include a telephone number or a website;

''(4) information on any remedy being offered by the agency;

''(5) any applicable educational materials relating to what individuals can do in response to a breach that potentially affects their personally identifiable information, including relevant contact information for Federal law enforcement agencies and each nationwide consumer reporting agency; and

''(6) any other appropriate information, as determined by the head of the agency or established in guidance by the Director.

''(c) DELAY OF NOTIFICATION.—

''(1) IN GENERAL.—The Attorney General, the Director of National Intelligence, or the Secretary of Homeland Security may delay a notification required under subsection (a) if the notification would—

''(A) impede a criminal investigation or a national security activity;

''(B) reveal sensitive sources and methods;

''(C) cause damage to national security; or

''(D) hamper security remediation actions.

''(2) DOCUMENTATION.—

''(A) IN GENERAL.—Any delay under paragraph (1) shall be reported in writing to the Director, the Attorney General, the Director of National Intelligence, the Secretary of Homeland Security, the Director of the Cybersecurity and Infrastructure Security Agency, and the head of the agency and the inspector general of the agency that experienced the breach.

''(B) CONTENTS.—A report required under subparagraph (A) shall include a written statement from the entity that delayed the notification explaining the need for the delay.

''(C) FORM.—The report required under subparagraph (A) shall be unclassified but may include a classified annex.

''(3) RENEWAL.—A delay under paragraph (1) shall be for a period of 60 days and may be renewed.

''(d) UPDATE NOTIFICATION.—If an agency determines there is a significant change in the reasonable basis to conclude that a breach occurred, a significant change to the determination made under subsection (a)(1), or that it is necessary to update the details of the information provided to impacted individuals as described in subsection (b), the agency shall as expeditiously as practicable and without unreasonable delay, and in any case not later than 30 days after such a determination, notify each individual who received a notification pursuant to subsection (a) of those changes.

''(e) EXEMPTION FROM NOTIFICATION.—

''(1) IN GENERAL.—The head of an agency, in consultation with the inspector general of the agency, may request an exemption from the Director from complying with the notification requirements under subsection (a) if the information affected by the breach is determined by an independent evaluation to be unreadable, including, as appropriate, instances in which the information is—

''(A) encrypted; and

''(B) determined by the Director of the Cybersecurity and Infrastructure Security Agency to be of sufficiently low risk of exposure.

''(2) APPROVAL.—The Director shall determine whether to grant an exemption requested under paragraph (1) in consultation with—

''(A) the Director of the Cybersecurity and Infrastructure Security Agency; and

''(B) the Attorney General.

''(3) DOCUMENTATION.—Any exemption granted by the Director under paragraph (1) shall be reported in writing to the head of the agency and the inspector general of the agency that experienced the breach and the Director of the Cybersecurity and Infrastructure Security Agency.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit—

''(1) the Director from issuing guidance relating to notifications or the head of an

agency from notifying individuals potentially affected by breaches that are not determined to be major incidents; or

''(2) the Director from issuing guidance relating to notifications of major incidents or the head of an agency from providing more information than described in subsection (b) when notifying individuals potentially affected by breaches.

''§ 3593. Congressional and Executive Branch reports

''(a) INITIAL REPORT.—

''(1) IN GENERAL.—Not later than 72 hours after an agency has a reasonable basis to conclude that a major incident occurred, the head of the agency impacted by the major incident shall submit to the appropriate reporting entities a written report and, to the extent practicable, provide a briefing to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the appropriate authorization and appropriations committees of Congress, taking into account—

''(A) the information known at the time of the report;

''(B) the sensitivity of the details associated with the major incident; and

''(C) the classification level of the information contained in the report.

''(2) CONTENTS.—A report required under paragraph (1) shall include, in a manner that excludes or otherwise reasonably protects personally identifiable information and to the extent permitted by applicable law, including privacy and statistical laws—

''(A) a summary of the information available about the major incident, including how the major incident occurred, information indicating that the major incident may be a breach, and information relating to the major incident as a breach, based on information available to agency officials as of the date on which the agency submits the report;

''(B) if applicable, a description and any associated documentation of any circumstances necessitating a delay in or exemption to notification to individuals potentially affected by the major incident under subsection (c) or (e) of section 3592; and

''(C) if applicable, an assessment of the impacts to the agency, the Federal Government, or the security of the United States, based on information available to agency officials on the date on which the agency submits the report.

''(b) SUPPLEMENTAL REPORT.—Within a reasonable amount of time, but not later than 30 days after the date on which an agency submits a written report under subsection (a), the head of the agency shall provide to the appropriate reporting entities written updates on the major incident and, to the extent practicable, provide a briefing to the congressional committees described in subsection (a)(1), including summaries of—

''(1) vulnerabilities, means by which the major incident occurred, and impacts to the agency relating to the major incident;

''(2) any risk assessment and subsequent risk-based security implementation of the affected information system before the date on which the major incident occurred;

''(3) the status of compliance of the affected information system with applicable security requirements at the time of the major incident;

''(4) an estimate of the number of individuals potentially affected by the major incident based on information available to agency officials as of the date on which the agency provides the update;

''(5) an assessment of the risk of harm to individuals potentially affected by the major incident based on information available to agency officials as of the date on which the agency provides the update;

''(6) an update to the assessment of the risk to agency operations, or to impacts on other agency or non-Federal entity operations, affected by the major incident based on information available to agency officials as of the date on which the agency provides the update; and

''(7) the detection, response, and remediation actions of the agency, including any support provided by the Cybersecurity and Infrastructure Security Agency under section 3594(d) and status updates on the notification process described in section 3592(a), including any delay or exemption described in subsection (c) or (e), respectively, of section 3592, if applicable.

''(c) UPDATE REPORT.—If the agency determines that there is any significant change in the understanding of the agency of the scope, scale, or consequence of a major incident for which an agency submitted a written report under subsection (a), the agency shall provide an updated report to the appropriate reporting entities that includes information relating to the change in understanding.

''(d) ANNUAL REPORT.—Each agency shall submit as part of the annual report required under section 3554(c)(1) of this title a description of each major incident that occurred during the 1-year period preceding the date on which the report is submitted.

''(e) DELAY AND EXEMPTION REPORT.—

''(1) IN GENERAL.—The Director shall submit to the appropriate notification entities an annual report on all notification delays and exemptions granted pursuant to subsections (c) and (d) of section 3592.

''(2) COMPONENT OF OTHER REPORT.—The Director may submit the report required under paragraph (1) as a component of the annual report submitted under section 3597(b).

''(f) REPORT DELIVERY.—Any written report required to be submitted under this section may be submitted in a paper or electronic format.

''(g) THREAT BRIEFING.—

''(1) IN GENERAL.—Not later than 7 days after the date on which an agency has a reasonable basis to conclude that a major incident occurred, the head of the agency, jointly with the National Cyber Director and any other Federal entity determined appropriate by the National Cyber Director, shall provide a briefing to the congressional committees described in subsection (a)(1) on the threat causing the major incident.

''(2) COMPONENTS.—The briefing required under paragraph (1)—

''(A) shall, to the greatest extent practicable, include an unclassified component; and

''(B) may include a classified component.

''(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit—

''(1) the ability of an agency to provide additional reports or briefings to Congress; or

''(2) Congress from requesting additional information from agencies through reports, briefings, or other means.

''§ 3594. Government information sharing and incident response

''(a) IN GENERAL.—

''(1) INCIDENT REPORTING.—The head of each agency shall provide any information relating to any incident, whether the information is obtained by the Federal Government directly or indirectly, to the Cybersecurity and Infrastructure Security Agency and the Office of Management and Budget.

''(2) CONTENTS.—A provision of information relating to an incident made by the head of an agency under paragraph (1) shall—

''(A) include detailed information about the safeguards that were in place when the incident occurred;

''(B) whether the agency implemented the safeguards described in subparagraph (A) correctly;

''(C) in order to protect against a similar incident, identify—

''(i) how the safeguards described in subparagraph (A) should be implemented differently; and

''(ii) additional necessary safeguards; and

''(D) include information to aid in incident response, such as—

''(i) a description of the affected systems or networks;

''(ii) the estimated dates of when the incident occurred; and

''(iii) information that could reasonably help identify the party that conducted the incident.

''(3) INFORMATION SHARING.—To the greatest extent practicable, the Director of the Cybersecurity and Infrastructure Security Agency shall share information relating to an incident with any agencies that may be impacted by the incident.

''(4) NATIONAL SECURITY SYSTEMS.—Each agency operating or exercising control of a national security system shall share information about incidents that occur on national security systems with the Director of the Cybersecurity and Infrastructure Security Agency to the extent consistent with standards and guidelines for national security systems issued in accordance with law and as directed by the President.

''(b) COMPLIANCE.—The information provided under subsection (a) shall take into account the level of classification of the information and any information sharing limitations and protections, such as limitations and protections relating to law enforcement, national security, privacy, statistical confidentiality, or other factors determined by the Director

''(c) INCIDENT RESPONSE.—Each agency that has a reasonable basis to conclude that a major incident occurred involving Federal information in electronic medium or form, as defined by the Director and not involving a national security system, regardless of delays from notification granted for a major incident, shall coordinate with the Cybersecurity and Infrastructure Security Agency regarding—

''(1) incident response and recovery; and

''(2) recommendations for mitigating future incidents.

''§ 3595. Responsibilities of contractors and awardees

''(a) NOTIFICATION.—

''(1) IN GENERAL.—Unless otherwise specified in a contract, grant, cooperative agreement, or an other transaction agreement, any contractor or awardee of an agency shall report to the agency within the same amount of time such agency is required to report an incident to the Cybersecurity and Infrastructure Security Agency, if the contractor or awardee has a reasonable basis to conclude that—

''(A) an incident or breach has occurred with respect to Federal information collected, used, or maintained by the contractor or awardee in connection with the contract, grant, cooperative agreement, or other transaction agreement of the contractor or awardee;

''(B) an incident or breach has occurred with respect to a Federal information system used or operated by the contractor or awardee in connection with the contract, grant, cooperative agreement, or other transaction agreement of the contractor or awardee; or

''(C) the contractor or awardee has received information from the agency that the contractor or awardee is not authorized to receive in connection with the contract,

grant, cooperative agreement, or other transaction agreement of the contractor or awardee.

''(2) PROCEDURES.—

''(A) MAJOR INCIDENT.—Following a report of a breach or major incident by a contractor or awardee under paragraph (1), the agency, in consultation with the contractor or awardee, shall carry out the requirements under sections 3592, 3593, and 3594 with respect to the major incident.

''(B) INCIDENT.—Following a report of an incident by a contractor or awardee under paragraph (1), an agency, in consultation with the contractor or awardee, shall carry out the requirements under section 3594 with respect to the incident.

''(b) EFFECTIVE DATE.—This section shall apply on and after the date that is 1 year after the date of enactment of the Federal Information Security Modernization Act of 2021.

''§ 3596. Training

''(a) COVERED INDIVIDUAL DEFINED.—In this section, the term 'covered individual' means an individual who obtains access to Federal information or Federal information systems because of the status of the individual as an employee, contractor, awardee, volunteer, or intern of an agency.

''(b) REQUIREMENT.—The head of each agency shall develop training for covered individuals on how to identify and respond to an incident, including—

''(1) the internal process of the agency for reporting an incident; and

''(2) the obligation of a covered individual to report to the agency a confirmed major incident and any suspected incident involving information in any medium or form, including paper, oral, and electronic.

''(c) INCLUSION IN ANNUAL TRAINING.—The training developed under subsection (b) may be included as part of an annual privacy or security awareness training of an agency.

''§ 3597. Analysis and report on Federal incidents

''(a) ANALYSIS OF FEDERAL INCIDENTS.—

''(1) QUANTITATIVE AND QUALITATIVE ANALYSES.—The Director of the Cybersecurity and Infrastructure Security Agency shall develop, in consultation with the Director and the National Cyber Director, and perform continuous monitoring and quantitative and qualitative analyses of incidents at agencies, including major incidents, including—

''(A) the causes of incidents, including—

''(i) attacker tactics, techniques, and procedures; and

''(ii) system vulnerabilities, including zero days, unpatched systems, and information system misconfigurations;

''(B) the scope and scale of incidents at agencies;

''(C) cross Federal Government root causes of incidents at agencies;

''(D) agency incident response, recovery, and remediation actions and the effectiveness of those actions, as applicable;

''(E) lessons learned and recommendations in responding to, recovering from, remediating, and mitigating future incidents; and

''(F) trends in cross-Federal Government cybersecurity and incident response capabilities using the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)).

''(2) AUTOMATED ANALYSIS.—The analyses developed under paragraph (1) shall, to the greatest extent practicable, use machine readable data, automation, and machine learning processes.

''(3) SHARING OF DATA AND ANALYSIS.—

''(A) IN GENERAL.—The Director shall share on an ongoing basis the analyses required under this subsection with agencies and the National Cyber Director to—

''(i) improve the understanding of cybersecurity risk of agencies; and

''(ii) support the cybersecurity improvement efforts of agencies.

''(B) FORMAT.—In carrying out subparagraph (A), the Director shall share the analyses—

''(i) in human-readable written products; and

''(ii) to the greatest extent practicable, in machine-readable formats in order to enable automated intake and use by agencies.

''(b) ANNUAL REPORT ON FEDERAL INCIDENTS.—Not later than 2 years after the date of enactment of this section, and not less frequently than annually thereafter, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director and other Federal agencies as appropriate, shall submit to the appropriate notification entities a report that includes—

''(1) a summary of causes of incidents from across the Federal Government that categorizes those incidents as incidents or major incidents;

''(2) the quantitative and qualitative analyses of incidents developed under subsection (a)(1) on an agency-by-agency basis and comprehensively across the Federal Government, including—

''(A) a specific analysis of breaches; and

''(B) an analysis of the Federal Government's performance against the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)); and

''(3) an annex for each agency that includes—

''(A) a description of each major incident;

''(B) the total number of compromises of the agency; and

''(C) an analysis of the agency's performance against the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)).

''(c) PUBLICATION.—A version of each report submitted under subsection (b) shall be made publicly available on the website of the Cybersecurity and Infrastructure Security Agency during the year in which the report is submitted.

''(d) INFORMATION PROVIDED BY AGENCIES.—

''(1) IN GENERAL.—The analysis required under subsection (a) and each report submitted under subsection (b) shall use information provided by agencies under section 3594(a).

''(2) NONCOMPLIANCE REPORTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), during any year during which the head of an agency does not provide data for an incident to the Cybersecurity and Infrastructure Security Agency in accordance with section 3594(a), the head of the agency, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and the Director, shall submit to the appropriate reporting entities a report that includes—

''(i) data for the incident; and

''(ii) the information described in subsection (b) with respect to the agency.

''(B) EXCEPTION FOR NATIONAL SECURITY SYSTEMS.—The head of an agency that owns or exercises control of a national security system shall not include data for an incident that occurs on a national security system in any report submitted under subparagraph (A).

''(3) NATIONAL SECURITY SYSTEM REPORTS.—

''(A) IN GENERAL.—Annually, the head of an agency that operates or exercises control of a national security system shall submit a report that includes the information described in subsection (b) with respect to the agency to the extent that the submission is consistent with standards and guidelines for national security systems issued in accordance with law and as directed by the President to—

''(i) the majority and minority leaders of the Senate,

''(ii) the Speaker and minority leader of the House of Representatives;

''(iii) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(iv) the Select Committee on Intelligence of the Senate;

''(v) the Committee on Armed Services of the Senate;

''(vi) the Committee on Appropriations of the Senate;

''(vii) the Committee on Oversight and Reform of the House of Representatives;

''(viii) the Committee on Homeland Security of the House of Representatives;

''(ix) the Permanent Select Committee on Intelligence of the House of Representatives;

''(x) the Committee on Armed Services of the House of Representatives; and

''(xi) the Committee on Appropriations of the House of Representatives.

''(B) CLASSIFIED FORM.—A report required under subparagraph (A) may be submitted in a classified form.

''(e) REQUIREMENT FOR COMPILING INFORMATION.—In publishing the public report required under subsection (c), the Director of the Cybersecurity and Infrastructure Security Agency shall sufficiently compile information such that no specific incident of an agency can be identified, except with the concurrence of the Director of the Office of Management and Budget and in consultation with the impacted agency.

''§ 3598. Major incident definition

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Federal Information Security Modernization Act of 2021, the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director, shall develop and promulgate guidance on the definition of the term 'major incident' for the purposes of subchapter II and this subchapter.

''(b) REQUIREMENTS.—With respect to the guidance issued under subsection (a), the definition of the term 'major incident' shall—

''(1) include, with respect to any information collected or maintained by or on behalf of an agency or an information system used or operated by an agency or by a contractor of an agency or another organization on behalf of an agency—

''(A) any incident the head of the agency determines is likely to have an impact on—

''(i) the national security, homeland security, or economic security of the United States; or

''(ii) the civil liberties or public health and safety of the people of the United States;

''(B) any incident the head of the agency determines likely to result in an inability for the agency, a component of the agency, or the Federal Government, to provide 1 or more critical services;

''(C) any incident that the head of an agency, in consultation with a senior privacy officer of the agency, determines is likely to have a significant privacy impact on 1 or more individual;

''(D) any incident that the head of the agency, in consultation with a senior privacy official of the agency, determines is likely to have a substantial privacy impact on a significant number of individuals;

''(E) any incident the head of the agency determines impacts the operations of a high value asset owned or operated by the agency;

''(F) any incident involving the exposure of sensitive agency information to a foreign entity, such as the communications of the head of the agency, the head of a component of the agency, or the direct reports of the head

of the agency or the head of a component of the agency; and

''(G) any other type of incident determined appropriate by the Director;

''(2) stipulate that the National Cyber Director shall declare a major incident at each agency impacted by an incident if the Director of the Cybersecurity and Infrastructure Security Agency determines that an incident—

''(A) occurs at not less than 2 agencies; and

''(B) is enabled by—

''(i) a common technical root cause, such as a supply chain compromise, a common software or hardware vulnerability; or

''(ii) the related activities of a common threat actor; and

''(3) stipulate that, in determining whether an incident constitutes a major incident because that incident—

''(A) is any incident described in paragraph (1), the head of an agency shall consult with the Director of the Cybersecurity and Infrastructure Security Agency;

''(B) is an incident described in paragraph (1)(A), the head of the agency shall consult with the National Cyber Director; and

''(C) is an incident described in subparagraph (C) or (D) of paragraph (1), the head of the agency shall consult with—

''(i) the Privacy and Civil Liberties Oversight Board; and

''(ii) the Chair of the Federal Trade Commission.

''(c) SIGNIFICANT NUMBER OF INDIVIDUALS.—In determining what constitutes a significant number of individuals under subsection (b)(1)(D), the Director—

''(1) may determine a threshold for a minimum number of individuals that constitutes a significant amount; and

''(2) may not determine a threshold described in paragraph (1) that exceeds 5,000 individuals.

''(d) EVALUATION AND UPDATES.—Not later than 2 years after the date of enactment of the Federal Information Security Modernization Act of 2021, and not less frequently than every 2 years thereafter, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives an evaluation, which shall include—

''(1) an update, if necessary, to the guidance issued under subsection (a);

''(2) the definition of the term 'major incident' included in the guidance issued under subsection (a); and

''(3) an explanation of, and the analysis that led to, the definition described in paragraph (2).''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—FEDERAL SYSTEM INCIDENT RESPONSE

''3591. Definitions.
''3592. Notification of breach.
''3593. Congressional and Executive Branch reports.
''3594. Government information sharing and incident response.
''3595. Responsibilities of contractors and awardees.
''3596. Training.
''3597. Analysis and report on Federal incidents.
''3598. Major incident definition.''.

SEC. 5122. AMENDMENTS TO SUBTITLE III OF TITLE 40.

(a) MODERNIZING GOVERNMENT TECHNOLOGY.—Subtitle G of title X of Division A of the National Defense Authorization Act for Fiscal Year 2018 (40 U.S.C. 11301 note) is amended—

(1) in section 1077(b)—

(A) in paragraph (5)(A), by inserting ''improving the cybersecurity of systems and'' before ''cost savings activities''; and

(B) in paragraph (7)—

(i) in the paragraph heading, by striking ''CIO'' and inserting ''CIO'';

(ii) by striking ''In evaluating projects'' and inserting the following:

''(A) CONSIDERATION OF GUIDANCE.—In evaluating projects'';

(iii) in subparagraph (A), as so designated, by striking ''under section 1094(b)(1)'' and inserting ''by the Director''; and

(iv) by adding at the end the following:

''(B) CONSULTATION.—In using funds under paragraph (3)(A), the Chief Information Officer of the covered agency shall consult with the necessary stakeholders to ensure the project appropriately addresses cybersecurity risks, including the Director of the Cybersecurity and Infrastructure Security Agency, as appropriate.''; and

(2) in section 1078—

(A) by striking subsection (a) and inserting the following:

''(a) DEFINITIONS.—In this section:

''(1) AGENCY.—The term 'agency' has the meaning given the term in section 551 of title 5, United States Code.

''(2) HIGH VALUE ASSET.—The term 'high value asset' has the meaning given the term in section 3552 of title 44, United States Code.'';

(B) in subsection (b), by adding at the end the following:

''(8) PROPOSAL EVALUATION.—The Director shall—

''(A) give consideration for the use of amounts in the Fund to improve the security of high value assets; and

''(B) require that any proposal for the use of amounts in the Fund includes a cybersecurity plan, including a supply chain risk management plan, to be reviewed by the member of the Technology Modernization Board described in subsection (c)(5)(C).''; and

(C) in subsection (c)—

(i) in paragraph (2)(A)(i), by inserting '', including a consideration of the impact on high value assets'' after ''operational risks'';

(ii) in paragraph (5)—

(I) in subparagraph (A), by striking ''and'' at the end;

(II) in subparagraph (B), by striking the period at the end and inserting ''and''; and

(III) by adding at the end the following:

''(C) a senior official from the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, appointed by the Director.''; and

(iii) in paragraph (6)(A), by striking ''shall be—'' and all that follows through ''4 employees'' and inserting ''shall be 4 employees''.

(b) SUBCHAPTER I.—Subchapter I of subtitle III of title 40, United States Code, is amended—

(1) in section 11302—

(A) in subsection (b), by striking ''use, security, and disposal of'' and inserting ''use, and disposal of, and, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director, promote and improve the security of,'';

(B) in subsection (c)—

(i) in paragraph (3)—

(I) in subparagraph (A)—

(aa) by striking ''including data'' and inserting ''which shall—

''(i) include data'';

(bb) in clause (i), as so designated, by striking '', and performance'' and inserting ''security, and performance; and''; and

(cc) by adding at the end the following:

''(ii) specifically denote cybersecurity funding under the risk-based cyber budget model developed pursuant to section 3553(a)(7) of title 44.''; and

(II) in subparagraph (B), adding at the end the following:

''(iii) The Director shall provide to the National Cyber Director any cybersecurity funding information described in subparagraph (A)(ii) that is provided to the Director under clause (ii) of this subparagraph.''; and

(ii) in paragraph (4)(B), in the matter preceding clause (i), by inserting ''not later than 30 days after the date on which the review under subparagraph (A) is completed,'' before ''the Administrator'';

(C) in subsection (f)—

(i) by striking ''heads of executive agencies to develop'' and inserting ''heads of executive agencies to—

''(1) develop'';

(ii) in paragraph (1), as so designated, by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(2) consult with the Director of the Cybersecurity and Infrastructure Security Agency for the development and use of supply chain security best practices.''; and

(D) in subsection (h), by inserting '', including cybersecurity performances,'' after ''the performances''; and

(2) in section 11303(b)—

(A) in paragraph (2)(B)—

(i) in clause (i), by striking ''or'' at the end;

(ii) in clause (ii), by adding ''or'' at the end; and

(iii) by adding at the end the following:

''(iii) whether the function should be performed by a shared service offered by another executive agency;''; and

(B) in paragraph (5)(B)(i), by inserting '', while taking into account the risk-based cyber budget model developed pursuant to section 3553(a)(7) of title 44'' after ''title 31''.

(c) SUBCHAPTER II.—Subchapter II of subtitle III of title 40, United States Code, is amended—

(1) in section 11312(a), by inserting '', including security risks'' after ''managing the risks'';

(2) in section 11313(1), by striking ''efficiency and effectiveness'' and inserting ''efficiency, security, and effectiveness'';

(3) in section 11315, by adding at the end the following:

''(d) COMPONENT AGENCY CHIEF INFORMATION OFFICERS.—The Chief Information Officer or an equivalent official of a component agency shall report to—

''(1) the Chief Information Officer designated under section 3506(a)(2) of title 44 or an equivalent official of the agency of which the component agency is a component; and

''(2) the head of the component agency.'';

(4) in section 11317, by inserting ''security,'' before ''or schedule''; and

(5) in section 11319(b)(1), in the paragraph heading, by striking ''CIOS'' and inserting ''CHIEF INFORMATION OFFICERS''.

(d) SUBCHAPTER III.—Section 11331 of title 40, United States Code, is amended—

(1) in subsection (a), by striking ''section 3532(b)(1)'' and inserting ''section 3552(b)'';

(2) in subsection (b)(1)(A), by striking ''the Secretary of Homeland Security'' and inserting ''the Director of the Cybersecurity and Infrastructure Security Agency'';

(3) by striking subsection (c) and inserting the following:

''(c) APPLICATION OF MORE STRINGENT STANDARDS.—

''(1) IN GENERAL.—The head of an agency shall—

''(A) evaluate, in consultation with the senior agency information security officers, the need to employ standards for cost-effective, risk-based information security for all systems, operations, and assets within or

under the supervision of the agency that are more stringent than the standards promulgated by the Director under this section, if such standards contain, at a minimum, the provisions of those applicable standards made compulsory and binding by the Director; and

''(B) to the greatest extent practicable and if the head of the agency determines that the standards described in subparagraph (A) are necessary, employ those standards.

''(2) EVALUATION OF MORE STRINGENT STANDARDS.—In evaluating the need to employ more stringent standards under paragraph (1), the head of an agency shall consider available risk information, such as—

''(A) the status of cybersecurity remedial actions of the agency;

''(B) any vulnerability information relating to agency systems that is known to the agency;

''(C) incident information of the agency;

''(D) information from—

''(i) penetration testing performed under section 3559A of title 44; and

''(ii) information from the vulnerability disclosure program established under section 3559B of title 44;

''(E) agency threat hunting results under section 5145 of the Federal Information Security Modernization Act of 2021;

''(F) Federal and non-Federal cyber threat intelligence;

''(G) data on compliance with standards issued under this section;

''(H) agency system risk assessments performed under section 3554(a)(1)(A) of title 44; and

''(I) any other information determined relevant by the head of the agency.'';

(4) in subsection (d)(2)—

(A) in the paragraph heading, by striking ''NOTICE AND COMMENT'' and inserting ''CONSULTATION, NOTICE, AND COMMENT'';

(B) by inserting ''promulgate,'' before ''significantly modify''; and

(C) by striking ''shall be made after the public is given an opportunity to comment on the Director's proposed decision.'' and inserting ''shall be made—

''(A) for a decision to significantly modify or not promulgate such a proposed standard, after the public is given an opportunity to comment on the Director's proposed decision;

''(B) in consultation with the Chief Information Officers Council, the Director of the Cybersecurity and Infrastructure Security Agency, the National Cyber Director, the Comptroller General of the United States, and the Council of the Inspectors General on Integrity and Efficiency;

''(C) considering the Federal risk assessments performed under section 3553(i) of title 44; and

''(D) considering the extent to which the proposed standard reduces risk relative to the cost of implementation of the standard.''; and

(5) by adding at the end the following:

''(e) REVIEW OF OFFICE OF MANAGEMENT AND BUDGET GUIDANCE AND POLICY.—

''(1) CONDUCT OF REVIEW.—

''(A) IN GENERAL.—Not less frequently than once every 3 years, the Director of the Office of Management and Budget, in consultation with the Chief Information Officers Council, the Director of the Cybersecurity and Infrastructure Security Agency, the National Cyber Director, the Comptroller General of the United States, and the Council of the Inspectors General on Integrity and Efficiency shall review the efficacy of the guidance and policy promulgated by the Director in reducing cybersecurity risks, including an assessment of the requirements for agencies to report information to the Director, and determine whether any changes to that guidance or policy is appropriate.

''(B) FEDERAL RISK ASSESSMENTS.—In conducting the review described in subparagraph (A), the Director shall consider the Federal risk assessments performed under section 3553(i) of title 44.

''(2) UPDATED GUIDANCE.—Not later than 90 days after the date on which a review is completed under paragraph (1), the Director of the Office of Management and Budget shall issue updated guidance or policy to agencies determined appropriate by the Director, based on the results of the review.

''(3) PUBLIC REPORT.—Not later than 30 days after the date on which a review is completed under paragraph (1), the Director of the Office of Management and Budget shall make publicly available a report that includes—

''(A) an overview of the guidance and policy promulgated under this section that is currently in effect;

''(B) the cybersecurity risk mitigation, or other cybersecurity benefit, offered by each guidance or policy document described in subparagraph (A); and

''(C) a summary of the guidance or policy to which changes were determined appropriate during the review and what the changes are anticipated to include.

''(4) CONGRESSIONAL BRIEFING.—Not later than 30 days after the date on which a review is completed under paragraph (1), the Director shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a briefing on the review.

''(f) AUTOMATED STANDARD IMPLEMENTATION VERIFICATION.—When the Director of the National Institute of Standards and Technology issues a proposed standard pursuant to paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)), the Director of the National Institute of Standards and Technology shall consider developing and, if appropriate and practical, develop, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, specifications to enable the automated verification of the implementation of the controls within the standard.''.

SEC. 5123. ACTIONS TO ENHANCE FEDERAL INCIDENT RESPONSE.

(a) RESPONSIBILITIES OF THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall—

(A) develop a plan for the development of the analysis required under section 3597(a) of title 44, United States Code, as added by this division, and the report required under subsection (b) of that section that includes—

(i) a description of any challenges the Director anticipates encountering; and

(ii) the use of automation and machine-readable formats for collecting, compiling, monitoring, and analyzing data; and

(B) provide to the appropriate congressional committees a briefing on the plan developed under subparagraph (A).

(2) BRIEFING.—Not later than 1 year after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall provide to the appropriate congressional committees a briefing on—

(A) the execution of the plan required under paragraph (1)(A); and

(B) the development of the report required under section 3597(b) of title 44, United States Code, as added by this division.

(b) RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.—

(1) FISMA.—Section 2 of the Federal Information Security Modernization Act of 2014 (44 U.S.C. 3554 note) is amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c) through (f) as subsections (b) through (e), respectively.

(2) INCIDENT DATA SHARING.—

(A) IN GENERAL.—The Director shall develop guidance, to be updated not less frequently than once every 2 years, on the content, timeliness, and format of the information provided by agencies under section 3594(a) of title 44, United States Code, as added by this division.

(B) REQUIREMENTS.—The guidance developed under subparagraph (A) shall—

(i) prioritize the availability of data necessary to understand and analyze—

(I) the causes of incidents;

(II) the scope and scale of incidents within the environments and systems of an agency;

(III) a root cause analysis of incidents that—

(aa) are common across the Federal Government; or

(bb) have a Government-wide impact;

(IV) agency response, recovery, and remediation actions and the effectiveness of those actions; and

(V) the impact of incidents;

(ii) enable the efficient development of—

(I) lessons learned and recommendations in responding to, recovering from, remediating, and mitigating future incidents; and

(II) the report on Federal incidents required under section 3597(b) of title 44, United States Code, as added by this division;

(iii) include requirements for the timeliness of data production; and

(iv) include requirements for using automation and machine-readable data for data sharing and availability.

(3) GUIDANCE ON RESPONDING TO INFORMATION REQUESTS.—Not later than 1 year after the date of enactment of this Act, the Director shall develop guidance for agencies to implement the requirement under section 3594(c) of title 44, United States Code, as added by this division, to provide information to other agencies experiencing incidents.

(4) STANDARD GUIDANCE AND TEMPLATES.—Not later than 1 year after the date of enactment of this Act, the Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, shall develop guidance and templates, to be reviewed and, if necessary, updated not less frequently than once every 2 years, for use by Federal agencies in the activities required under sections 3592, 3593, and 3596 of title 44, United States Code, as added by this division.

(5) CONTRACTOR AND AWARDEE GUIDANCE.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director, in coordination with the Secretary of Homeland Security, the Secretary of Defense, the Administrator of General Services, and the heads of other agencies determined appropriate by the Director, shall issue guidance to Federal agencies on how to deconflict, to the greatest extent practicable, existing regulations, policies, and procedures relating to the responsibilities of contractors and awardees established under section 3595 of title 44, United States Code, as added by this division.

(B) EXISTING PROCESSES.—To the greatest extent practicable, the guidance issued under subparagraph (A) shall allow contractors and awardees to use existing processes for notifying Federal agencies of incidents involving information of the Federal Government.

(6) UPDATED BRIEFINGS.—Not less frequently than once every 2 years, the Director shall provide to the appropriate congressional committees an update on the guidance and templates developed under paragraphs (2) through (4).

(c) UPDATE TO THE PRIVACY ACT OF 1974.—Section 552a(b) of title 5, United States Code (commonly known as the ''Privacy Act of 1974'') is amended—

(1) in paragraph (11), by striking ''or'' at the end;

(2) in paragraph (12), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(13) to another agency in furtherance of a response to an incident (as defined in section 3552 of title 44) and pursuant to the information sharing requirements in section 3594 of title 44 if the head of the requesting agency has made a written request to the agency that maintains the record specifying the particular portion desired and the activity for which the record is sought.''.

SEC. 5124. ADDITIONAL GUIDANCE TO AGENCIES ON FISMA UPDATES.

Not later than 1 year after the date of enactment of this Act, the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall issue guidance for agencies on—

(1) performing the ongoing and continuous agency system risk assessment required under section 3554(a)(1)(A) of title 44, United States Code, as amended by this division;

(2) implementing additional cybersecurity procedures, which shall include resources for shared services;

(3) establishing a process for providing the status of each remedial action under section 3554(b)(7) of title 44, United States Code, as amended by this division, to the Director and the Cybersecurity and Infrastructure Security Agency using automation and machine-readable data, as practicable, which shall include—

(A) specific guidance for the use of automation and machine-readable data; and

(B) templates for providing the status of the remedial action;

(4) interpreting the definition of ''high value asset'' under section 3552 of title 44, United States Code, as amended by this division; and

(5) a requirement to coordinate with inspectors general of agencies to ensure consistent understanding and application of agency policies for the purpose of evaluations by inspectors general.

SEC. 5125. AGENCY REQUIREMENTS TO NOTIFY PRIVATE SECTOR ENTITIES IMPACTED BY INCIDENTS.

(a) DEFINITIONS.—In this section:

(1) REPORTING ENTITY.—The term ''reporting entity'' means private organization or governmental unit that is required by statute or regulation to submit sensitive information to an agency.

(2) SENSITIVE INFORMATION.—The term ''sensitive information'' has the meaning given the term by the Director in guidance issued under subsection (b).

(b) GUIDANCE ON NOTIFICATION OF REPORTING ENTITIES.—Not later than 180 days after the date of enactment of this Act, the Director shall issue guidance requiring the head of each agency to notify a reporting entity of an incident that is likely to substantially affect—

(1) the confidentiality or integrity of sensitive information submitted by the reporting entity to the agency pursuant to a statutory or regulatory requirement; or

(2) the agency information system or systems used in the transmission or storage of the sensitive information described in paragraph (1).

TITLE LII—IMPROVING FEDERAL CYBERSECURITY

SEC. 5141. MOBILE SECURITY STANDARDS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director shall—

(1) evaluate mobile application security guidance promulgated by the Director; and

(2) issue guidance to secure mobile devices, including for mobile applications, for every agency.

(b) CONTENTS.—The guidance issued under subsection (a)(2) shall include—

(1) a requirement, pursuant to section 3506(b)(4) of title 44, United States Code, for every agency to maintain a continuous inventory of every—

(A) mobile device operated by or on behalf of the agency; and

(B) vulnerability identified by the agency associated with a mobile device; and

(2) a requirement for every agency to perform continuous evaluation of the vulnerabilities described in paragraph (1)(B) and other risks associated with the use of applications on mobile devices.

(c) INFORMATION SHARING.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall issue guidance to agencies for sharing the inventory of the agency required under subsection (b)(1) with the Director of the Cybersecurity and Infrastructure Security Agency, using automation and machine-readable data to the greatest extent practicable.

(d) BRIEFING.—Not later than 60 days after the date on which the Director issues guidance under subsection (a)(2), the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall provide to the appropriate congressional committees a briefing on the guidance.

SEC. 5142. DATA AND LOGGING RETENTION FOR INCIDENT RESPONSE.

(a) RECOMMENDATIONS.—Not later than 2 years after the date of enactment of this Act, and not less frequently than every 2 years thereafter, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Attorney General, shall submit to the Director recommendations on requirements for logging events on agency systems and retaining other relevant data within the systems and networks of an agency.

(b) CONTENTS.—The recommendations provided under subsection (a) shall include—

(1) the types of logs to be maintained;

(2) the time periods to retain the logs and other relevant data;

(3) the time periods for agencies to enable recommended logging and security requirements;

(4) how to ensure the confidentiality, integrity, and availability of logs;

(5) requirements to ensure that, upon request, in a manner that excludes or otherwise reasonably protects personally identifiable information, and to the extent permitted by applicable law (including privacy and statistical laws), agencies provide logs to—

(A) the Director of the Cybersecurity and Infrastructure Security Agency for a cybersecurity purpose; and

(B) the Federal Bureau of Investigation to investigate potential criminal activity; and

(6) requirements to ensure that, subject to compliance with statistical laws and other relevant data protection requirements, the highest level security operations center of each agency has visibility into all agency logs.

(c) GUIDANCE.—Not later than 90 days after receiving the recommendations submitted under subsection (a), the Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the Attorney General, shall, as determined to be appropriate by the Director, update guidance to agencies regarding requirements for logging, log retention, log management, sharing of log data with other appropriate agencies, or any other logging activity determined to be appropriate by the Director.

SEC. 5143. CISA AGENCY ADVISORS.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall assign not less than 1 cybersecurity professional employed by the Cybersecurity and Infrastructure Security Agency to be the Cybersecurity and Infrastructure Security Agency advisor to the senior agency information security officer of each agency.

(b) QUALIFICATIONS.—Each advisor assigned under subsection (a) shall have knowledge of—

(1) cybersecurity threats facing agencies, including any specific threats to the assigned agency;

(2) performing risk assessments of agency systems; and

(3) other Federal cybersecurity initiatives.

(c) DUTIES.—The duties of each advisor assigned under subsection (a) shall include—

(1) providing ongoing assistance and advice, as requested, to the agency Chief Information Officer;

(2) serving as an incident response point of contact between the assigned agency and the Cybersecurity and Infrastructure Security Agency; and

(3) familiarizing themselves with agency systems, processes, and procedures to better facilitate support to the agency in responding to incidents.

(d) LIMITATION.—An advisor assigned under subsection (a) shall not be a contractor.

(e) MULTIPLE ASSIGNMENTS.—One individual advisor may be assigned to multiple agency Chief Information Officers under subsection (a).

SEC. 5144. FEDERAL PENETRATION TESTING POLICY.

(a) IN GENERAL.—Subchapter II of chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''§ 3559A. Federal penetration testing

''(a) DEFINITIONS.—In this section:

''(1) AGENCY OPERATIONAL PLAN.—The term 'agency operational plan' means a plan of an agency for the use of penetration testing.

''(2) RULES OF ENGAGEMENT.—The term 'rules of engagement' means a set of rules established by an agency for the use of penetration testing.

''(b) GUIDANCE.—

''(1) IN GENERAL.—The Director shall issue guidance that—

''(A) requires agencies to use, when and where appropriate, penetration testing on agency systems; and

''(B) requires agencies to develop an agency operational plan and rules of engagement that meet the requirements under subsection (c).

''(2) PENETRATION TESTING GUIDANCE.—The guidance issued under this section shall—

''(A) permit an agency to use, for the purpose of performing penetration testing—

''(i) a shared service of the agency or another agency; or

''(ii) an external entity, such as a vendor; and

''(B) require agencies to provide the rules of engagement and results of penetration testing to the Director and the Director of the Cybersecurity and Infrastructure Security Agency, without regard to the status of the entity that performs the penetration testing.

''(c) AGENCY PLANS AND RULES OF ENGAGEMENT.—The agency operational plan and rules of engagement of an agency shall—

''(1) require the agency to—

''(A) perform penetration testing on the high value assets of the agency; or

''(B) coordinate with the Director of the Cybersecurity and Infrastructure Security Agency to ensure that penetration testing is being performed;

''(2) establish guidelines for avoiding, as a result of penetration testing—

''(A) adverse impacts to the operations of the agency;

''(B) adverse impacts to operational environments and systems of the agency; and

''(C) inappropriate access to data;

''(3) require the results of penetration testing to include feedback to improve the cybersecurity of the agency; and

''(4) include mechanisms for providing consistently formatted, and, if applicable, automated and machine-readable, data to the Director and the Director of the Cybersecurity and Infrastructure Security Agency.

''(d) RESPONSIBILITIES OF CISA.—The Director of the Cybersecurity and Infrastructure Security Agency shall—

''(1) establish a process to assess the performance of penetration testing by both Federal and non-Federal entities that establishes minimum quality controls for penetration testing;

''(2) develop operational guidance for instituting penetration testing programs at agencies;

''(3) develop and maintain a centralized capability to offer penetration testing as a service to Federal and non-Federal entities; and

''(4) provide guidance to agencies on the best use of penetration testing resources.

''(e) RESPONSIBILITIES OF OMB.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall—

''(1) not less frequently than annually, inventory all Federal penetration testing assets; and

''(2) develop and maintain a standardized process for the use of penetration testing.

''(f) PRIORITIZATION OF PENETRATION TESTING RESOURCES.—

''(1) IN GENERAL.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall develop a framework for prioritizing Federal penetration testing resources among agencies.

''(2) CONSIDERATIONS.—In developing the framework under this subsection, the Director shall consider—

''(A) agency system risk assessments performed under section 3554(a)(1)(A);

''(B) the Federal risk assessment performed under section 3553(i);

''(C) the analysis of Federal incident data performed under section 3597; and

''(D) any other information determined appropriate by the Director or the Director of the Cybersecurity and Infrastructure Security Agency.

''(g) EXCEPTION FOR NATIONAL SECURITY SYSTEMS.—The guidance issued under subsection (b) shall not apply to national security systems.

''(h) DELEGATION OF AUTHORITY FOR CERTAIN SYSTEMS.—The authorities of the Director described in subsection (b) shall be delegated—

''(1) to the Secretary of Defense in the case of systems described in section 3553(e)(2); and

''(2) to the Director of National Intelligence in the case of systems described in 3553(e)(3).''.

(b) DEADLINE FOR GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Director shall issue the guidance required under section 3559A(b) of title 44, United States Code, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding after the item relating to section 3559 the following:

''3559A. Federal penetration testing.''.

(d) PENETRATION TESTING BY THE SECRETARY OF HOMELAND SECURITY.—Section 3553(b) of title 44, United States Code, as amended by section 5121, is further amended—

(1) in paragraph (8)(B), by striking ''and'' at the end;

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following:

''(9) performing penetration testing with or without advance notice to, or authorization from, agencies, to identify vulnerabilities within Federal information systems; and''.

SEC. 5145. ONGOING THREAT HUNTING PROGRAM.

(a) THREAT HUNTING PROGRAM.—

(1) IN GENERAL.—Not later than 540 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall establish a program to provide ongoing, hypothesis-driven threat-hunting services on the network of each agency.

(2) PLAN.—Not later than 180 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall develop a plan to establish the program required under paragraph (1) that describes how the Director of the Cybersecurity and Infrastructure Security Agency plans to—

(A) determine the method for collecting, storing, accessing, and analyzing appropriate agency data;

(B) provide on-premises support to agencies;

(C) staff threat hunting services;

(D) allocate available human and financial resources to implement the plan; and

(E) provide input to the heads of agencies on the use of—

(i) more stringent standards under section 11331(c)(1) of title 40, United States Code; and

(ii) additional cybersecurity procedures under section 3554 of title 44, United States Code.

(b) REPORTS.—The Director of the Cybersecurity and Infrastructure Security Agency shall submit to the appropriate congressional committees—

(1) not later than 30 days after the date on which the Director of the Cybersecurity and Infrastructure Security Agency completes the plan required under subsection (a)(2), a report on the plan to provide threat hunting services to agencies;

(2) not less than 30 days before the date on which the Director of the Cybersecurity and Infrastructure Security Agency begins providing threat hunting services under the program under subsection (a)(1), a report providing any updates to the plan developed under subsection (a)(2); and

(3) not later than 1 year after the date on which the Director of the Cybersecurity and Infrastructure Security Agency begins providing threat hunting services to agencies other than the Cybersecurity and Infrastructure Security Agency, a report describing lessons learned from providing those services.

SEC. 5146. CODIFYING VULNERABILITY DISCLOSURE PROGRAMS.

(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by inserting after section 3559A, as added by section 5144 of this division, the following:

''§ 3559B. Federal vulnerability disclosure programs

''(a) DEFINITIONS.—In this section:

''(1) REPORT.—The term 'report' means a vulnerability disclosure made to an agency by a reporter.

''(2) REPORTER.—The term 'reporter' means an individual that submits a vulnerability report pursuant to the vulnerability disclosure process of an agency.

''(b) RESPONSIBILITIES OF OMB.—

''(1) LIMITATION ON LEGAL ACTION.—The Director, in consultation with the Attorney General, shall issue guidance to agencies to not recommend or pursue legal action against a reporter or an individual that conducts a security research activity that the head of the agency determines—

''(A) represents a good faith effort to follow the vulnerability disclosure policy of the agency developed under subsection (d)(2); and

''(B) is authorized under the vulnerability disclosure policy of the agency developed under subsection (d)(2).

''(2) SHARING INFORMATION WITH CISA.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and in consultation with the National Cyber Director, shall issue guidance to agencies on sharing relevant information in a consistent, automated, and machine readable manner with the Cybersecurity and Infrastructure Security Agency, including—

''(A) any valid or credible reports of newly discovered or not publicly known vulnerabilities (including misconfigurations) on Federal information systems that use commercial software or services;

''(B) information relating to vulnerability disclosure, coordination, or remediation activities of an agency, particularly as those activities relate to outside organizations—

''(i) with which the head of the agency believes the Director of the Cybersecurity and Infrastructure Security Agency can assist; or

''(ii) about which the head of the agency believes the Director of the Cybersecurity and Infrastructure Security Agency should know; and

''(C) any other information with respect to which the head of the agency determines helpful or necessary to involve the Cybersecurity and Infrastructure Security Agency.

''(3) AGENCY VULNERABILITY DISCLOSURE POLICIES.—The Director shall issue guidance to agencies on the required minimum scope of agency systems covered by the vulnerability disclosure policy of an agency required under subsection (d)(2).

''(c) RESPONSIBILITIES OF CISA.—The Director of the Cybersecurity and Infrastructure Security Agency shall—

''(1) provide support to agencies with respect to the implementation of the requirements of this section;

''(2) develop tools, processes, and other mechanisms determined appropriate to offer agencies capabilities to implement the requirements of this section; and

''(3) upon a request by an agency, assist the agency in the disclosure to vendors of newly identified vulnerabilities in vendor products and services.

''(d) RESPONSIBILITIES OF AGENCIES.—

''(1) PUBLIC INFORMATION.—The head of each agency shall make publicly available, with respect to each internet domain under the control of the agency that is not a national security system—

''(A) an appropriate security contact; and

''(B) the component of the agency that is responsible for the internet accessible services offered at the domain.

''(2) VULNERABILITY DISCLOSURE POLICY.—The head of each agency shall develop and

make publicly available a vulnerability disclosure policy for the agency, which shall—

''(A) describe—

''(i) the scope of the systems of the agency included in the vulnerability disclosure policy;

''(ii) the type of information system testing that is authorized by the agency;

''(iii) the type of information system testing that is not authorized by the agency; and

''(iv) the disclosure policy of the agency for sensitive information;

''(B) with respect to a report to an agency, describe—

''(i) how the reporter should submit the report; and

''(ii) if the report is not anonymous, when the reporter should anticipate an acknowledgment of receipt of the report by the agency;

''(C) include any other relevant information; and

''(D) be mature in scope, to cover all Federal information systems used or operated by that agency or on behalf of that agency.

''(3) IDENTIFIED VULNERABILITIES.—The head of each agency shall incorporate any vulnerabilities reported under paragraph (2) into the vulnerability management process of the agency in order to track and remediate the vulnerability.

''(e) PAPERWORK REDUCTION ACT EXEMPTION.—The requirements of subchapter I (commonly known as the 'Paperwork Reduction Act') shall not apply to a vulnerability disclosure program established under this section.

''(f) CONGRESSIONAL REPORTING.—Not later than 90 days after the date of enactment of the Federal Information Security Modernization Act of 2021, and annually thereafter for a 3-year period, the Director shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a briefing on the status of the use of vulnerability disclosure policies under this section at agencies, including, with respect to the guidance issued under subsection (b)(3), an identification of the agencies that are compliant and not compliant.

''(g) EXEMPTIONS.—The authorities and functions of the Director and Director of the Cybersecurity and Infrastructure Security Agency under this section shall not apply to national security systems.

''(h) DELEGATION OF AUTHORITY FOR CERTAIN SYSTEMS.—The authorities of the Director and the Director of the Cybersecurity and Infrastructure Security Agency described in this section shall be delegated—

''(1) to the Secretary of Defense in the case of systems described in section 3553(e)(2); and

''(2) to the Director of National Intelligence in the case of systems described in section 3553(e)(3).''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding after the item relating to section 3559A, as added by section 204, the following:

''3559B. Federal vulnerability disclosure programs.''.

SEC. 5147. IMPLEMENTING PRESUMPTION OF COMPROMISE AND LEAST PRIVILEGE PRINCIPLES.

(a) GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Director shall provide an update to the appropriate congressional committees on progress in increasing the internal defenses of agency systems, including—

(1) shifting away from ''trusted networks'' to implement security controls based on a presumption of compromise;

(2) implementing principles of least privilege in administering information security programs;

(3) limiting the ability of entities that cause incidents to move laterally through or between agency systems;

(4) identifying incidents quickly;

(5) isolating and removing unauthorized entities from agency systems quickly;

(6) otherwise increasing the resource costs for entities that cause incidents to be successful; and

(7) a summary of the agency progress reports required under subsection (b).

(b) AGENCY PROGRESS REPORTS.—Not later than 1 year after the date of enactment of this Act, the head of each agency shall submit to the Director a progress report on implementing an information security program based on the presumption of compromise and least privilege principles, which shall include—

(1) a description of any steps the agency has completed, including progress toward achieving requirements issued by the Director;

(2) an identification of activities that have not yet been completed and that would have the most immediate security impact; and

(3) a schedule to implement any planned activities.

SEC. 5148. AUTOMATION REPORTS.

(a) OMB REPORT.—Not later than 180 days after the date of enactment of this Act, the Director shall submit to the appropriate congressional committees a report on the use of automation under paragraphs (1), (5)(C) and (8)(B) of section 3554(b) of title 44, United States Code.

(b) GAO REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall perform a study on the use of automation and machine readable data across the Federal Government for cybersecurity purposes, including the automated updating of cybersecurity tools, sensors, or processes by agencies.

SEC. 5149. EXTENSION OF FEDERAL ACQUISITION SECURITY COUNCIL.

Section 1328 of title 41, United States Code, is amended by striking ''the date that'' and all that follows and inserting ''December 31, 2026.''.

SEC. 5150. COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY DASHBOARD.

(a) DASHBOARD REQUIRED.—Section 11(e)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

''(B) that shall include a dashboard of open information security recommendations identified in the independent evaluations required by section 3555(a) of title 44, United States Code; and''.

SEC. 5151. QUANTITATIVE CYBERSECURITY METRICS.

(a) DEFINITION OF COVERED METRICS.—In this section, the term ''covered metrics'' means the metrics established, reviewed, and updated under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)).

(b) UPDATING AND ESTABLISHING METRICS.—Not later than 1 year after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency, in coordination with the Director, shall—

(1) evaluate any covered metrics established as of the date of enactment of this Act; and

(2) as appropriate and pursuant to section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c))—

(A) update the covered metrics; and

(B) establish new covered metrics.

(c) IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 540 days after the date of enactment of this Act, the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall promulgate guidance that requires each agency to use covered metrics to track trends in the cybersecurity and incident response capabilities of the agency.

(2) PERFORMANCE DEMONSTRATION.—The guidance issued under paragraph (1) and any subsequent guidance shall require agencies to share with the Director of the Cybersecurity and Infrastructure Security Agency data demonstrating the performance of the agency using the covered metrics included in the guidance.

(3) PENETRATION TESTS.—On not less than 2 occasions during the 2-year period following the date on which guidance is promulgated under paragraph (1), the Director shall ensure that not less than 3 agencies are subjected to substantially similar penetration tests, as determined by the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, in order to validate the utility of the covered metrics.

(4) ANALYSIS CAPACITY.—The Director of the Cybersecurity and Infrastructure Security Agency shall develop a capability that allows for the analysis of the covered metrics, including cross-agency performance of agency cybersecurity and incident response capability trends.

(d) CONGRESSIONAL REPORTS.—

(1) UTILITY OF METRICS.—Not later than 1 year after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall submit to the appropriate congressional committees a report on the utility of the covered metrics.

(2) USE OF METRICS.—Not later than 180 days after the date on which the Director promulgates guidance under subsection (c)(1), the Director shall submit to the appropriate congressional committees a report on the results of the use of the covered metrics by agencies.

(e) CYBERSECURITY ACT OF 2015 UPDATES.—Section 224 of the Cybersecurity Act of 2015 (6 U.S.C. 1522) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) IMPROVED METRICS.—

''(1) IN GENERAL.—The Director of the Cybersecurity and Infrastructure Security Agency, in coordination with the Director, shall establish, review, and update metrics to measure the cybersecurity and incident response capabilities of agencies in accordance with the responsibilities of agencies under section 3554 of title 44, United States Code.

''(2) QUALITIES.—With respect to the metrics established, reviewed, and updated under paragraph (1)—

''(A) not less than 2 of the metrics shall be time-based, such as a metric of—

''(i) the amount of time it takes for an agency to detect an incident; and

''(ii) the amount of time that passes between—

''(I) the detection of an incident and the remediation of the incident; and

''(II) the remediation of an incident and the recovery from the incident; and

''(B) the metrics may include other measurable outcomes.'';

(2) by striking subsection (e); and

(3) by redesignating subsection (f) as subsection (e).

TITLE LIII—RISK-BASED BUDGET MODEL

SEC. 5161. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate; and

(B) the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives.

(2) COVERED AGENCY.—The term ''covered agency'' has the meaning given the term ''executive agency'' in section 133 of title 41, United States Code.

(3) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(4) INFORMATION TECHNOLOGY.—The term ''information technology''—

(A) has the meaning given the term in section 11101 of title 40, United States Code; and

(B) includes the hardware and software systems of a Federal agency that monitor and control physical equipment and processes of the Federal agency.

(5) RISK-BASED BUDGET.—The term ''risk-based budget'' means a budget—

(A) developed by identifying and prioritizing cybersecurity risks and vulnerabilities, including impact on agency operations in the case of a cyber attack, through analysis of cyber threat intelligence, incident data, and tactics, techniques, procedures, and capabilities of cyber threats; and

(B) that allocates resources based on the risks identified and prioritized under subparagraph (A).

SEC. 5162. ESTABLISHMENT OF RISK-BASED BUDGET MODEL.

(a) IN GENERAL.—

(1) MODEL.—Not later than 1 year after the first publication of the budget submitted by the President under section 1105 of title 31, United States Code, following the date of enactment of this Act, the Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director and in coordination with the Director of the National Institute of Standards and Technology, shall develop a standard model for creating a risk-based budget for cybersecurity spending.

(2) RESPONSIBILITY OF DIRECTOR.—Section 3553(a) of title 44, United States Code, as amended by section 5121 of this division, is further amended by inserting after paragraph (6) the following:

''(7) developing a standard risk-based budget model to inform Federal agency cybersecurity budget development; and''.

(3) CONTENTS OF MODEL.—The model required to be developed under paragraph (1) shall—

(A) consider Federal and non-Federal cyber threat intelligence products, where available, to identify threats, vulnerabilities, and risks;

(B) consider the impact of agency operations of compromise of systems, including the interconnectivity to other agency systems and the operations of other agencies;

(C) indicate where resources should be allocated to have the greatest impact on mitigating current and future threats and current and future cybersecurity capabilities;

(D) be used to inform acquisition and sustainment of—

(i) information technology and cybersecurity tools;

(ii) information technology and cybersecurity architectures;

(iii) information technology and cybersecurity personnel; and

(iv) cybersecurity and information technology concepts of operations; and

(E) be used to evaluate and inform Government-wide cybersecurity programs of the Department of Homeland Security.

(4) REQUIRED UPDATES.—Not less frequently than once every 3 years, the Director shall review, and update as necessary, the model required to be developed under this subsection.

(5) PUBLICATION.—The Director shall publish the model required to be developed under this subsection, and any updates necessary under paragraph (4), on the public website of the Office of Management and Budget.

(6) REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for each of the 2 following fiscal years or until the date on which the model required to be developed under this subsection is completed, whichever is sooner, the Director shall submit a report to Congress on the development of the model.

(b) REQUIRED USE OF RISK-BASED BUDGET MODEL.—

(1) IN GENERAL.—Not later than 2 years after the date on which the model developed under subsection (a) is published, the head of each covered agency shall use the model to develop the annual cybersecurity and information technology budget requests of the agency.

(2) AGENCY PERFORMANCE PLANS.—Section 3554(d)(2) of title 44, United States Code, is amended by inserting ''and the risk-based budget model required under section 3553(a)(7)'' after ''paragraph (1)''.

(c) VERIFICATION.—

(1) IN GENERAL.—Section 1105(a)(35)(A)(i) of title 31, United States Code, is amended—

(A) in the matter preceding subclause (I), by striking ''by agency, and by initiative area (as determined by the administration)'' and inserting ''and by agency'';

(B) in subclause (III), by striking ''and'' at the end; and

(C) by adding at the end the following:

''(V) a validation that the budgets submitted were developed using a risk-based methodology; and

''(VI) a report on the progress of each agency on closing recommendations identified under the independent evaluation required by section 3555(a)(1) of title 44.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date that is 2 years after the date on which the model developed under subsection (a) is published.

(d) REPORTS.—

(1) INDEPENDENT EVALUATION.—Section 3555(a)(2) of title 44, United States Code, is amended—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(D) an assessment of how the agency implemented the risk-based budget model required under section 3553(a)(7) and an evaluation of whether the model mitigates agency cyber vulnerabilities.''.

(2) ASSESSMENT.—Section 3553(c) of title 44, United States Code, as amended by section 5121, is further amended by inserting after paragraph (5) the following:

''(6) an assessment of—

''(A) Federal agency implementation of the model required under subsection (a)(7);

''(B) how cyber vulnerabilities of Federal agencies changed from the previous year; and

''(C) whether the model mitigates the cyber vulnerabilities of the Federal Government.''.

(e) GAO REPORT.—Not later than 3 years after the date on which the first budget of the President is submitted to Congress containing the validation required under section 1105(a)(35)(A)(i)(V) of title 31, United States Code, as amended by subsection (c), the Comptroller General of the United States shall submit to the appropriate congressional committees a report that includes—

(1) an evaluation of the success of covered agencies in developing risk-based budgets;

(2) an evaluation of the success of covered agencies in implementing risk-based budgets;

(3) an evaluation of whether the risk-based budgets developed by covered agencies mitigate cyber vulnerability, including the extent to which the risk-based budgets inform Federal Government-wide cybersecurity programs; and

(4) any other information relating to risk-based budgets the Comptroller General determines appropriate.

TITLE LIV—PILOT PROGRAMS TO ENHANCE FEDERAL CYBERSECURITY

SEC. 5181. ACTIVE CYBER DEFENSIVE STUDY.

(a) DEFINITION.—In this section, the term ''active defense technique''—

(1) means an action taken on the systems of an entity to increase the security of information on the network of an agency by misleading an adversary; and

(2) includes a honeypot, deception, or purposefully feeding false or misleading data to an adversary when the adversary is on the systems of the entity.

(b) STUDY.—Not later than 180 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency, in coordination with the Director, shall perform a study on the use of active defense techniques to enhance the security of agencies, which shall include—

(1) a review of legal restrictions on the use of different active cyber defense techniques in Federal environments, in consultation with the Department of Justice;

(2) an evaluation of—

(A) the efficacy of a selection of active defense techniques determined by the Director of the Cybersecurity and Infrastructure Security Agency; and

(B) factors that impact the efficacy of the active defense techniques evaluated under subparagraph (A);

(3) recommendations on safeguards and procedures that shall be established to require that active defense techniques are adequately coordinated to ensure that active defense techniques do not impede threat response efforts, criminal investigations, and national security activities, including intelligence collection; and

(4) the development of a framework for the use of different active defense techniques by agencies.

SEC. 5182. SECURITY OPERATIONS CENTER AS A SERVICE PILOT.

(a) PURPOSE.—The purpose of this section is for the Cybersecurity and Infrastructure Security Agency to run a security operation center on behalf of another agency, alleviating the need to duplicate this function at every agency, and empowering a greater centralized cybersecurity capability.

(b) PLAN.—Not later than 1 year after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall develop a plan to establish a centralized Federal security operations center shared service offering within the Cybersecurity and Infrastructure Security Agency.

(c) CONTENTS.—The plan required under subsection (b) shall include considerations for—

(1) collecting, organizing, and analyzing agency information system data in real time;

(2) staffing and resources; and

(3) appropriate interagency agreements, concepts of operations, and governance plans.

(d) PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date on which the plan required under subsection (b) is developed, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director, shall enter into a 1-year agreement with not less than 2 agencies to offer a security operations center as a shared service.

(2) ADDITIONAL AGREEMENTS.—After the date on which the briefing required under subsection (e)(1) is provided, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director, may enter into additional 1-year agreements described in paragraph (1) with agencies.

(e) BRIEFING AND REPORT.—

(1) BRIEFING.—Not later than 260 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Oversight and Reform of the House of Representatives a briefing on the parameters of any 1-year agreements entered into under subsection (d)(1).

(2) REPORT.—Not later than 90 days after the date on which the first 1-year agreement entered into under subsection (d) expires, the Director of the Cybersecurity and Infrastructure Security Agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Oversight and Reform of the House of Representatives a report on—

(A) the agreement; and

(B) any additional agreements entered into with agencies under subsection (d).

DIVISION F—CYBER INCIDENT REPORTING ACT OF 2021 AND CISA TECHNICAL CORRECTIONS AND IMPROVEMENTS ACT OF 2021

TITLE LXI—CYBER INCIDENT REPORTING ACT OF 2021

SEC. 6101. SHORT TITLE.

This title may be cited as the ''Cyber Incident Reporting Act of 2021''.

SEC. 6102. DEFINITIONS.

In this title:

(1) COVERED CYBER INCIDENT; COVERED ENTITY; CYBER INCIDENT.—The terms ''covered cyber incident'', ''covered entity'', and ''cyber incident'' have the meanings given those terms in section 2230 of the Homeland Security Act of 2002, as added by section 6103 of this title.

(2) DIRECTOR.—The term ''Director'' means the Director of the Cybersecurity and Infrastructure Security Agency.

(3) INFORMATION SYSTEM; RANSOM PAYMENT; RANSOMWARE ATTACK; SECURITY VULNERABILITY.—The terms ''information system'', ''ransom payment'', ''ransomware attack'', and ''security vulnerability'' have the meanings given those terms in section 2200 of the Homeland Security Act of 2002, as added by section 6203 of this division.

SEC. 6103. CYBER INCIDENT REPORTING.

(a) CYBER INCIDENT REPORTING.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended—

(1) in section 2209(b) (6 U.S.C. 659(b)), as so redesignated by section 6203(b) of this division—

(A) in paragraph (11), by striking ''and'' at the end;

(B) in paragraph (12), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(13) receiving, aggregating, and analyzing reports related to covered cyber incidents (as defined in section 2230) submitted by covered entities (as defined in section 2230) and reports related to ransom payments submitted by entities in furtherance of the activities specified in sections 2202(e), 2203, and 2231, this subsection, and any other authorized activity of the Director, to enhance the situational awareness of cybersecurity threats across critical infrastructure sectors.''; and

(2) by adding at the end the following:

''Subtitle C—Cyber Incident Reporting

''SEC. 2230. DEFINITIONS.

''In this subtitle:

''(1) CENTER.—The term 'Center' means the center established under section 2209.

''(2) COUNCIL.—The term 'Council' means the Cyber Incident Reporting Council described in section 1752(c)(1)(H) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 1500(c)(1)(H)).

''(3) COVERED CYBER INCIDENT.—The term 'covered cyber incident' means a substantial cyber incident experienced by a covered entity that satisfies the definition and criteria established by the Director in the final rule issued pursuant to section 2232(b).

''(4) COVERED ENTITY.—The term 'covered entity' means—

''(A) any Federal contractor; or

''(B) an entity that owns or operates critical infrastructure that satisfies the definition established by the Director in the final rule issued pursuant to section 2232(b).

''(5) CYBER INCIDENT.—The term 'cyber incident' has the meaning given the term 'incident' in section 2200.

''(6) CYBER THREAT.—The term 'cyber threat'—

''(A) has the meaning given the term 'cybersecurity threat' in section 2200; and

''(B) does not include any activity related to good faith security research, including participation in a bug-bounty program or a vulnerability disclosure program.

''(7) FEDERAL CONTRACTOR.—The term 'Federal contractor' means a business, nonprofit organization, or other private sector entity that holds a Federal Government contract or subcontract at any tier, grant, cooperative agreement, or other transaction agreement, unless that entity is a party only to—

''(A) a service contract to provide housekeeping or custodial services; or

''(B) a contract to provide products or services unrelated to information technology that is below the micro-purchase threshold, as defined in section 2.101 of title 48, Code of Federal Regulations, or any successor regulation.

''(8) FEDERAL ENTITY; INFORMATION SYSTEM; SECURITY CONTROL.—The terms 'Federal entity', 'information system', and 'security control' have the meanings given those terms in section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501).

''(9) SIGNIFICANT CYBER INCIDENT.—The term 'significant cyber incident' means a cybersecurity incident, or a group of related cybersecurity incidents, that the Secretary determines is likely to result in demonstrable harm to the national security interests, foreign relations, or economy of the United States or to the public confidence, civil liberties, or public health and safety of the people of the United States.

''(10) SMALL ORGANIZATION.—The term 'small organization'—

''(A) means—

''(i) a small business concern, as defined in section 3 of the Small Business Act (15 U.S.C. 632); or

''(ii) any nonprofit organization, including faith-based organizations and houses of worship, or other private sector entity with fewer than 200 employees (determined on a full-time equivalent basis); and

''(B) does not include—

''(i) a business, nonprofit organization, or other private sector entity that is a covered entity; or

''(ii) a Federal contractor.

''SEC. 2231. CYBER INCIDENT REVIEW.

''(a) ACTIVITIES.—The Center shall—

''(1) receive, aggregate, analyze, and secure, using processes consistent with the processes developed pursuant to the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501 et seq.) reports from covered entities related to a covered cyber incident to assess the effectiveness of security controls, identify tactics, techniques, and procedures adversaries use to overcome those controls and other cybersecurity purposes, including to support law enforcement investigations, to assess potential impact of incidents on public health and safety, and to have a more accurate picture of the cyber threat to critical infrastructure and the people of the United States;

''(2) receive, aggregate, analyze, and secure reports to lead the identification of tactics, techniques, and procedures used to perpetuate cyber incidents and ransomware attacks;

''(3) coordinate and share information with appropriate Federal departments and agencies to identify and track ransom payments, including those utilizing virtual currencies;

''(4) leverage information gathered about cybersecurity incidents to—

''(A) enhance the quality and effectiveness of information sharing and coordination efforts with appropriate entities, including agencies, sector coordinating councils, information sharing and analysis organizations, technology providers, critical infrastructure owners and operators, cybersecurity and incident response firms, and security researchers; and

''(B) provide appropriate entities, including agencies, sector coordinating councils, information sharing and analysis organizations, technology providers, cybersecurity and incident response firms, and security researchers, with timely, actionable, and anonymized reports of cyber incident campaigns and trends, including, to the maximum extent practicable, related contextual information, cyber threat indicators, and defensive measures, pursuant to section 2235;

''(5) establish mechanisms to receive feedback from stakeholders on how the Agency can most effectively receive covered cyber incident reports, ransom payment reports, and other voluntarily provided information;

''(6) facilitate the timely sharing, on a voluntary basis, between relevant critical infrastructure owners and operators of information relating to covered cyber incidents and ransom payments, particularly with respect to ongoing cyber threats or security vulnerabilities and identify and disseminate ways to prevent or mitigate similar incidents in the future;

''(7) for a covered cyber incident, including a ransomware attack, that also satisfies the definition of a significant cyber incident, or is part of a group of related cyber incidents that together satisfy such definition, conduct a review of the details surrounding the covered cyber incident or group of those incidents and identify and disseminate ways to prevent or mitigate similar incidents in the future;

''(8) with respect to covered cyber incident reports under section 2232(a) and 2233 involving an ongoing cyber threat or security vulnerability, immediately review those reports for cyber threat indicators that can be anonymized and disseminated, with defensive measures, to appropriate stakeholders, in coordination with other divisions within the Agency, as appropriate;

''(9) publish quarterly unclassified, public reports that may be based on the unclassified information contained in the briefings required under subsection (c);

''(10) proactively identify opportunities and perform analyses, consistent with the protections in section 2235, to leverage and utilize data on ransomware attacks to support law enforcement operations to identify, track, and seize ransom payments utilizing virtual currencies, to the greatest extent practicable;

''(11) proactively identify opportunities, consistent with the protections in section 2235, to leverage and utilize data on cyber incidents in a manner that enables and strengthens cybersecurity research carried out by academic institutions and other private sector organizations, to the greatest extent practicable;

''(12) on a not less frequently than annual basis, analyze public disclosures made pursuant to parts 229 and 249 of title 17, Code of Federal Regulations, or any subsequent document submitted to the Securities and Exchange Commission by entities experiencing cyber incidents and compare such disclosures to reports received by the Center; and

''(13) in accordance with section 2235 and subsection (b) of this section, as soon as possible but not later than 24 hours after receiving a covered cyber incident report, ransom payment report, voluntarily submitted information pursuant to section 2233, or information received pursuant to a request for information or subpoena under section 2234, make available the information to appropriate Sector Risk Management Agencies and other appropriate Federal agencies.

''(b) INTERAGENCY SHARING.—The National Cyber Director, in consultation with the Director and the Director of the Office of Management and Budget—

''(1) may establish a specific time requirement for sharing information under subsection (a)(13); and

''(2) shall determine the appropriate Federal agencies under subsection (a)(13).

''(c) PERIODIC BRIEFING.—Not later than 60 days after the effective date of the final rule required under section 2232(b), and on the first day of each month thereafter, the Director, in consultation with the National Cyber Director, the Attorney General, and the Director of National Intelligence, shall provide to the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, the minority leader of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a briefing that characterizes the national cyber threat landscape, including the threat facing Federal agencies and covered entities, and applicable intelligence and law enforcement information, covered cyber incidents, and ransomware attacks, as of the date of the briefing, which shall—

''(1) include the total number of reports submitted under sections 2232 and 2233 during the preceding month, including a breakdown of required and voluntary reports;

''(2) include any identified trends in covered cyber incidents and ransomware attacks over the course of the preceding month and as compared to previous reports, including any trends related to the information collected in the reports submitted under sections 2232 and 2233, including—

''(A) the infrastructure, tactics, and techniques malicious cyber actors commonly use; and

''(B) intelligence gaps that have impeded, or currently are impeding, the ability to counter covered cyber incidents and ransomware threats;

''(3) include a summary of the known uses of the information in reports submitted under sections 2232 and 2233; and

''(4) be unclassified, but may include a classified annex.

''SEC. 2232. REQUIRED REPORTING OF CERTAIN CYBER INCIDENTS.

''(a) IN GENERAL.—

''(1) COVERED CYBER INCIDENT REPORTS.—A covered entity that is a victim of a covered cyber incident shall report the covered cyber incident to the Director not later than 72 hours after the covered entity reasonably believes that the covered cyber incident has occurred.

''(2) RANSOM PAYMENT REPORTS.—A covered entity, except for an individual or a small organization, that makes a ransom payment as the result of a ransomware attack against the covered entity shall report the payment to the Director not later than 24 hours after the ransom payment has been made.

''(3) SUPPLEMENTAL REPORTS.—A covered entity shall promptly submit to the Director an update or supplement to a previously submitted covered cyber incident report if new or different information becomes available or if the covered entity makes a ransom payment after submitting a covered cyber incident report required under paragraph (1).

''(4) PRESERVATION OF INFORMATION.—Any covered entity subject to requirements of paragraph (1), (2), or (3) shall preserve data relevant to the covered cyber incident or ransom payment in accordance with procedures established in the final rule issued pursuant to subsection (b).

''(5) EXCEPTIONS.—

''(A) REPORTING OF COVERED CYBER INCIDENT WITH RANSOM PAYMENT.—If a covered cyber incident includes a ransom payment such that the reporting requirements under paragraphs (1) and (2) apply, the covered entity may submit a single report to satisfy the requirements of both paragraphs in accordance with procedures established in the final rule issued pursuant to subsection (b).

''(B) SUBSTANTIALLY SIMILAR REPORTED INFORMATION.—The requirements under paragraphs (1), (2), and (3) shall not apply to a covered entity required by law, regulation, or contract to report substantially similar information to another Federal agency within a substantially similar timeframe.

''(C) DOMAIN NAME SYSTEM.—The requirements under paragraphs (1), (2) and (3) shall not apply to an entity or the functions of an entity that the Director determines constitute critical infrastructure owned, operated, or governed by multi-stakeholder organizations that develop, implement, and enforce policies concerning the Domain Name System, such as the Internet Corporation for Assigned Names and Numbers or the Internet Assigned Numbers Authority.

''(6) MANNER, TIMING, AND FORM OF REPORTS.—Reports made under paragraphs (1), (2), and (3) shall be made in the manner and form, and within the time period in the case of reports made under paragraph (3), prescribed in the final rule issued pursuant to subsection (b).

''(7) EFFECTIVE DATE.—Paragraphs (1) through (4) shall take effect on the dates prescribed in the final rule issued pursuant to subsection (b).

''(b) RULEMAKING.—

''(1) NOTICE OF PROPOSED RULEMAKING.—Not later than 2 years after the date of enactment of this section, the Director, in consultation with Sector Risk Management Agencies, the Department of Justice, and other Federal agencies, shall publish in the Federal Register a notice of proposed rulemaking to implement subsection (a).

''(2) FINAL RULE.—Not later than 18 months after publication of the notice of proposed rulemaking under paragraph (1), the Director shall issue a final rule to implement subsection (a).

''(3) SUBSEQUENT RULEMAKINGS.—

''(A) IN GENERAL.—The Director is authorized to issue regulations to amend or revise the final rule issued pursuant to paragraph (2).

''(B) PROCEDURES.—Any subsequent rules issued under subparagraph (A) shall comply with the requirements under chapter 5 of title 5, United States Code, including the issuance of a notice of proposed rulemaking under section 553 of such title.

''(c) ELEMENTS.—The final rule issued pursuant to subsection (b) shall be composed of the following elements:

''(1) A clear description of the types of entities that constitute covered entities, based on—

''(A) the consequences that disruption to or compromise of such an entity could cause to national security, economic security, or public health and safety;

''(B) the likelihood that such an entity may be targeted by a malicious cyber actor, including a foreign country; and

''(C) the extent to which damage, disruption, or unauthorized access to such an entity, including the accessing of sensitive cybersecurity vulnerability information or penetration testing tools or techniques, will likely enable the disruption of the reliable operation of critical infrastructure.

''(2) A clear description of the types of substantial cyber incidents that constitute covered cyber incidents, which shall—

''(A) at a minimum, require the occurrence of—

''(i) the unauthorized access to an information system or network with a substantial loss of confidentiality, integrity, or availability of such information system or network, or a serious impact on the safety and resiliency of operational systems and processes;

''(ii) a disruption of business or industrial operations due to a cyber incident; or

''(iii) an occurrence described in clause (i) or (ii) due to loss of service facilitated through, or caused by, a compromise of a cloud service provider, managed service provider, or other third-party data hosting provider or by a supply chain compromise;

''(B) consider—

''(i) the sophistication or novelty of the tactics used to perpetrate such an incident, as well as the type, volume, and sensitivity of the data at issue;

''(ii) the number of individuals directly or indirectly affected or potentially affected by such an incident; and

''(iii) potential impacts on industrial control systems, such as supervisory control and data acquisition systems, distributed control systems, and programmable logic controllers; and

''(C) exclude—

''(i) any event where the cyber incident is perpetuated by good faith security research or in response to an invitation by the owner or operator of the information system for third parties to find vulnerabilities in the information system, such as through a vulnerability disclosure program or the use of authorized penetration testing services; and

''(ii) the threat of disruption as extortion, as described in section 2201(9)(A).

''(3) A requirement that, if a covered cyber incident or a ransom payment occurs following an exempted threat described in paragraph (2)(C)(ii), the entity shall comply with the requirements in this subtitle in reporting the covered cyber incident or ransom payment.

''(4) A clear description of the specific required contents of a report pursuant to subsection (a)(1), which shall include the following information, to the extent applicable

and available, with respect to a covered cyber incident:

''(A) A description of the covered cyber incident, including—

''(i) identification and a description of the function of the affected information systems, networks, or devices that were, or are reasonably believed to have been, affected by such incident;

''(ii) a description of the unauthorized access with substantial loss of confidentiality, integrity, or availability of the affected information system or network or disruption of business or industrial operations;

''(iii) the estimated date range of such incident; and

''(iv) the impact to the operations of the covered entity.

''(B) Where applicable, a description of the vulnerabilities, tactics, techniques, and procedures used to perpetuate the covered cyber incident.

''(C) Where applicable, any identifying or contact information related to each actor reasonably believed to be responsible for such incident.

''(D) Where applicable, identification of the category or categories of information that were, or are reasonably believed to have been, accessed or acquired by an unauthorized person.

''(E) The name and other information that clearly identifies the entity impacted by the covered cyber incident.

''(F) Contact information, such as telephone number or electronic mail address, that the Center may use to contact the covered entity or an authorized agent of such covered entity, or, where applicable, the service provider of such covered entity acting with the express permission of, and at the direction of, the covered entity to assist with compliance with the requirements of this subtitle.

''(5) A clear description of the specific required contents of a report pursuant to subsection (a)(2), which shall be the following information, to the extent applicable and available, with respect to a ransom payment:

''(A) A description of the ransomware attack, including the estimated date range of the attack.

''(B) Where applicable, a description of the vulnerabilities, tactics, techniques, and procedures used to perpetuate the ransomware attack.

''(C) Where applicable, any identifying or contact information related to the actor or actors reasonably believed to be responsible for the ransomware attack.

''(D) The name and other information that clearly identifies the entity that made the ransom payment.

''(E) Contact information, such as telephone number or electronic mail address, that the Center may use to contact the entity that made the ransom payment or an authorized agent of such covered entity, or, where applicable, the service provider of such covered entity acting with the express permission of, and at the direction of, that entity to assist with compliance with the requirements of this subtitle.

''(F) The date of the ransom payment.

''(G) The ransom payment demand, including the type of virtual currency or other commodity requested, if applicable.

''(H) The ransom payment instructions, including information regarding where to send the payment, such as the virtual currency address or physical address the funds were requested to be sent to, if applicable.

''(I) The amount of the ransom payment.

''(6) A clear description of the types of data required to be preserved pursuant to subsection (a)(4) and the period of time for which the data is required to be preserved.

''(7) Deadlines for submitting reports to the Director required under subsection (a)(3), which shall—

''(A) be established by the Director in consultation with the Council;

''(B) consider any existing regulatory reporting requirements similar in scope, purpose, and timing to the reporting requirements to which such a covered entity may also be subject, and make efforts to harmonize the timing and contents of any such reports to the maximum extent practicable; and

''(C) balance the need for situational awareness with the ability of the covered entity to conduct incident response and investigations.

''(8) Procedures for—

''(A) entities to submit reports required by paragraphs (1), (2), and (3) of subsection (a), including the manner and form thereof, which shall include, at a minimum, a concise, user-friendly web-based form;

''(B) the Agency to carry out the enforcement provisions of section 2233, including with respect to the issuance, service, withdrawal, and enforcement of subpoenas, appeals and due process procedures, the suspension and debarment provisions in section 2234(c), and other aspects of noncompliance;

''(C) implementing the exceptions provided in subsection (a)(5); and

''(D) protecting privacy and civil liberties consistent with processes adopted pursuant to section 105(b) of the Cybersecurity Act of 2015 (6 U.S.C. 1504(b)) and anonymizing and safeguarding, or no longer retaining, information received and disclosed through covered cyber incident reports and ransom payment reports that is known to be personal information of a specific individual or information that identifies a specific individual that is not directly related to a cybersecurity threat.

''(9) A clear description of the types of entities that constitute other private sector entities for purposes of section 2230(b)(7).

''(d) THIRD PARTY REPORT SUBMISSION AND RANSOM PAYMENT.—

''(1) REPORT SUBMISSION.—An entity, including a covered entity, that is required to submit a covered cyber incident report or a ransom payment report may use a third party, such as an incident response company, insurance provider, service provider, information sharing and analysis organization, or law firm, to submit the required report under subsection (a).

''(2) RANSOM PAYMENT.—If an entity impacted by a ransomware attack uses a third party to make a ransom payment, the third party shall not be required to submit a ransom payment report for itself under subsection (a)(2).

''(3) DUTY TO REPORT.—Third-party reporting under this subparagraph does not relieve a covered entity or an entity that makes a ransom payment from the duty to comply with the requirements for covered cyber incident report or ransom payment report submission.

''(4) RESPONSIBILITY TO ADVISE.—Any third party used by an entity that knowingly makes a ransom payment on behalf of an entity impacted by a ransomware attack shall advise the impacted entity of the responsibilities of the impacted entity regarding reporting ransom payments under this section.

''(e) OUTREACH TO COVERED ENTITIES.—

''(1) IN GENERAL.—The Director shall conduct an outreach and education campaign to inform likely covered entities, entities that offer or advertise as a service to customers to make or facilitate ransom payments on behalf of entities impacted by ransomware attacks, potential ransomware attack victims, and other appropriate entities of the requirements of paragraphs (1), (2), and (3) of subsection (a).

''(2) ELEMENTS.—The outreach and education campaign under paragraph (1) shall include the following:

''(A) An overview of the final rule issued pursuant to subsection (b).

''(B) An overview of mechanisms to submit to the Center covered cyber incident reports and information relating to the disclosure, retention, and use of incident reports under this section.

''(C) An overview of the protections afforded to covered entities for complying with the requirements under paragraphs (1), (2), and (3) of subsection (a).

''(D) An overview of the steps taken under section 2234 when a covered entity is not in compliance with the reporting requirements under subsection (a).

''(E) Specific outreach to cybersecurity vendors, incident response providers, cybersecurity insurance entities, and other entities that may support covered entities or ransomware attack victims.

''(F) An overview of the privacy and civil liberties requirements in this subtitle.

''(3) COORDINATION.—In conducting the outreach and education campaign required under paragraph (1), the Director may coordinate with—

''(A) the Critical Infrastructure Partnership Advisory Council established under section 871;

''(B) information sharing and analysis organizations;

''(C) trade associations;

''(D) information sharing and analysis centers;

''(E) sector coordinating councils; and

''(F) any other entity as determined appropriate by the Director.

''(f) ORGANIZATION OF REPORTS.—Notwithstanding chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act'), the Director may request information within the scope of the final rule issued under subsection (b) by the alteration of existing questions or response fields and the reorganization and reformatting of the means by which covered cyber incident reports, ransom payment reports, and any voluntarily offered information is submitted to the Center.

''SEC. 2233. VOLUNTARY REPORTING OF OTHER CYBER INCIDENTS.

''(a) IN GENERAL.—Entities may voluntarily report incidents or ransom payments to the Director that are not required under paragraph (1), (2), or (3) of section 2232(a), but may enhance the situational awareness of cyber threats.

''(b) VOLUNTARY PROVISION OF ADDITIONAL INFORMATION IN REQUIRED REPORTS.—Entities may voluntarily include in reports required under paragraph (1), (2), or (3) of section 2232(a) information that is not required to be included, but may enhance the situational awareness of cyber threats.

''(c) APPLICATION OF PROTECTIONS.—The protections under section 2235 applicable to covered cyber incident reports shall apply in the same manner and to the same extent to reports and information submitted under subsections (a) and (b).

''SEC. 2234. NONCOMPLIANCE WITH REQUIRED REPORTING.

''(a) PURPOSE.—In the event that an entity that is required to submit a report under section 2232(a) fails to comply with the requirement to report, the Director may obtain information about the incident or ransom payment by engaging the entity directly to request information about the incident or ransom payment, and if the Director is unable to obtain information through such engagement, by issuing a subpoena to the entity,

pursuant to subsection (c), to gather information sufficient to determine whether a covered cyber incident or ransom payment has occurred, and, if so, whether additional action is warranted pursuant to subsection (d).

''(b) INITIAL REQUEST FOR INFORMATION.—

''(1) IN GENERAL.—If the Director has reason to believe, whether through public reporting or other information in the possession of the Federal Government, including through analysis performed pursuant to paragraph (1) or (2) of section 2231(a), that an entity has experienced a covered cyber incident or made a ransom payment but failed to report such incident or payment to the Center within 72 hours in accordance with section 2232(a), the Director shall request additional information from the entity to confirm whether or not a covered cyber incident or ransom payment has occurred.

''(2) TREATMENT.—Information provided to the Center in response to a request under paragraph (1) shall be treated as if it was submitted through the reporting procedures established in section 2232.

''(c) AUTHORITY TO ISSUE SUBPOENAS AND DEBAR.—

''(1) IN GENERAL.—If, after the date that is 72 hours from the date on which the Director made the request for information in subsection (b), the Director has received no response from the entity from which such information was requested, or received an inadequate response, the Director may issue to such entity a subpoena to compel disclosure of information the Director deems necessary to determine whether a covered cyber incident or ransom payment has occurred and obtain the information required to be reported pursuant to section 2232 and any implementing regulations.

''(2) CIVIL ACTION.—

''(A) IN GENERAL.—If an entity fails to comply with a subpoena, the Director may refer the matter to the Attorney General to bring a civil action in a district court of the United States to enforce such subpoena.

''(B) VENUE.—An action under this paragraph may be brought in the judicial district in which the entity against which the action is brought resides, is found, or does business.

''(C) CONTEMPT OF COURT.—A court may punish a failure to comply with a subpoena issued under this subsection as contempt of court.

''(3) NON-DELEGATION.—The authority of the Director to issue a subpoena under this subsection may not be delegated.

''(4) DEBARMENT OF FEDERAL CONTRACTORS.—If a covered entity that is a Federal contractor fails to comply with a subpoena issued under this subsection—

''(A) the Director may refer the matter to the Administrator of General Services; and

''(B) upon receiving a referral from the Director, the Administrator of General Services may impose additional available penalties, including suspension or debarment.

''(5) AUTHENTICATION.—

''(A) IN GENERAL.—Any subpoena issued electronically pursuant to this subsection shall be authenticated with a cryptographic digital signature of an authorized representative of the Agency, or other comparable successor technology, that allows the Agency to demonstrate that such subpoena was issued by the Agency and has not been altered or modified since such issuance.

''(B) INVALID IF NOT AUTHENTICATED.—Any subpoena issued electronically pursuant to this subsection that is not authenticated in accordance with subparagraph (A) shall not be considered to be valid by the recipient of such subpoena.

''(d) ACTIONS BY ATTORNEY GENERAL AND FEDERAL REGULATORY AGENCIES.—

''(1) IN GENERAL.—Notwithstanding section 2235(a) and subsection (b)(2) of this section, if the Attorney General or the appropriate Federal regulatory agency determines, based on information provided in response to a subpoena issued pursuant to subsection (c), that the facts relating to the covered cyber incident or ransom payment at issue may constitute grounds for a regulatory enforcement action or criminal prosecution, the Attorney General or the appropriate Federal regulatory agency may use that information for a regulatory enforcement action or criminal prosecution.

''(2) APPLICATION TO CERTAIN ENTITIES AND THIRD PARTIES.—A covered cyber incident or ransom payment report submitted to the Center by an entity that makes a ransom payment or third party under section 2232 shall not be used by any Federal, State, Tribal, or local government to investigate or take another law enforcement action against the entity that makes a ransom payment or third party.

''(3) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to provide an entity that submits a covered cyber incident report or ransom payment report under section 2232 any immunity from law enforcement action for making a ransom payment otherwise prohibited by law.

''(e) CONSIDERATIONS.—When determining whether to exercise the authorities provided under this section, the Director shall take into consideration—

''(1) the size and complexity of the entity;

''(2) the complexity in determining if a covered cyber incident has occurred; and

''(3) prior interaction with the Agency or awareness of the entity of the policies and procedures of the Agency for reporting covered cyber incidents and ransom payments.

''(f) EXCLUSIONS.—This section shall not apply to a State, local, Tribal, or territorial government entity.

''(g) REPORT TO CONGRESS.—The Director shall submit to Congress an annual report on the number of times the Director—

''(1) issued an initial request for information pursuant to subsection (b);

''(2) issued a subpoena pursuant to subsection (c); or

''(3) referred a matter to the Attorney General for a civil action pursuant to subsection (c)(2).

''(h) PUBLICATION OF THE ANNUAL REPORT.—The Director shall publish a version of the annual report required under subsection (g) on the website of the Agency, which shall include, at a minimum, the number of times the Director—

''(1) issued an initial request for information pursuant to subsection (b); or

''(2) issued a subpoena pursuant to subsection (c).

''(i) ANONYMIZATION OF REPORTS.—The Director shall ensure any victim information contained in a report required to be published under subsection (h) be anonymized before the report is published.

''SEC. 2235. INFORMATION SHARED WITH OR PROVIDED TO THE FEDERAL GOVERNMENT.

''(a) DISCLOSURE, RETENTION, AND USE.—

''(1) AUTHORIZED ACTIVITIES.—Information provided to the Center or Agency pursuant to section 2232 or 2233 may be disclosed to, retained by, and used by, consistent with otherwise applicable provisions of Federal law, any Federal agency or department, component, officer, employee, or agent of the Federal Government solely for—

''(A) a cybersecurity purpose;

''(B) the purpose of identifying—

''(i) a cyber threat, including the source of the cyber threat; or

''(ii) a security vulnerability;

''(C) the purpose of responding to, or otherwise preventing or mitigating, a specific threat of death, a specific threat of serious bodily harm, or a specific threat of serious economic harm, including a terrorist act or use of a weapon of mass destruction;

''(D) the purpose of responding to, investigating, prosecuting, or otherwise preventing or mitigating, a serious threat to a minor, including sexual exploitation and threats to physical safety; or

''(E) the purpose of preventing, investigating, disrupting, or prosecuting an offense arising out of a cyber incident reported pursuant to section 2232 or 2233 or any of the offenses listed in section 105(d)(5)(A)(v) of the Cybersecurity Act of 2015 (6 U.S.C. 1504(d)(5)(A)(v)).

''(2) AGENCY ACTIONS AFTER RECEIPT.—

''(A) RAPID, CONFIDENTIAL SHARING OF CYBER THREAT INDICATORS.—Upon receiving a covered cyber incident or ransom payment report submitted pursuant to this section, the center shall immediately review the report to determine whether the incident that is the subject of the report is connected to an ongoing cyber threat or security vulnerability and where applicable, use such report to identify, develop, and rapidly disseminate to appropriate stakeholders actionable, anonymized cyber threat indicators and defensive measures.

''(B) STANDARDS FOR SHARING SECURITY VULNERABILITIES.—With respect to information in a covered cyber incident or ransom payment report regarding a security vulnerability referred to in paragraph (1)(B)(ii), the Director shall develop principles that govern the timing and manner in which information relating to security vulnerabilities may be shared, consistent with common industry best practices and United States and international standards.

''(3) PRIVACY AND CIVIL LIBERTIES.—Information contained in covered cyber incident and ransom payment reports submitted to the Center or the Agency pursuant to section 2232 shall be retained, used, and disseminated, where permissible and appropriate, by the Federal Government in accordance with processes to be developed for the protection of personal information consistent with processes adopted pursuant to section 105 of the Cybersecurity Act of 2015 (6 U.S.C. 1504) and in a manner that protects from unauthorized use or disclosure any information that may contain—

''(A) personal information of a specific individual; or

''(B) information that identifies a specific individual that is not directly related to a cybersecurity threat.

''(4) DIGITAL SECURITY.—The Center and the Agency shall ensure that reports submitted to the Center or the Agency pursuant to section 2232, and any information contained in those reports, are collected, stored, and protected at a minimum in accordance with the requirements for moderate impact Federal information systems, as described in Federal Information Processing Standards Publication 199, or any successor document.

''(5) PROHIBITION ON USE OF INFORMATION IN REGULATORY ACTIONS.—A Federal, State, local, or Tribal government shall not use information about a covered cyber incident or ransom payment obtained solely through reporting directly to the Center or the Agency in accordance with this subtitle to regulate, including through an enforcement action, the activities of the covered entity or entity that made a ransom payment.

''(b) NO WAIVER OF PRIVILEGE OR PROTECTION.—The submission of a report to the Center or the Agency under section 2232 shall not constitute a waiver of any applicable privilege or protection provided by law, including trade secret protection and attorney-client privilege.

''(c) EXEMPTION FROM DISCLOSURE.—Information contained in a report submitted to the Office under section 2232 shall be exempt from disclosure under section 552(b)(3)(B) of title 5, United States Code (commonly known as the 'Freedom of Information Act') and any State, Tribal, or local provision of law requiring disclosure of information or records.

''(d) EX PARTE COMMUNICATIONS.—The submission of a report to the Agency under section 2232 shall not be subject to a rule of any Federal agency or department or any judicial doctrine regarding ex parte communications with a decision-making official.

''(e) LIABILITY PROTECTIONS.—

''(1) IN GENERAL.—No cause of action shall lie or be maintained in any court by any person or entity and any such action shall be promptly dismissed for the submission of a report pursuant to section 2232(a) that is submitted in conformance with this subtitle and the rule promulgated under section 2232(b), except that this subsection shall not apply with regard to an action by the Federal Government pursuant to section 2234(c)(2).

''(2) SCOPE.—The liability protections provided in subsection (e) shall only apply to or affect litigation that is solely based on the submission of a covered cyber incident report or ransom payment report to the Center or the Agency.

''(3) RESTRICTIONS.—Notwithstanding paragraph (2), no report submitted to the Agency pursuant to this subtitle or any communication, document, material, or other record, created for the sole purpose of preparing, drafting, or submitting such report, may be received in evidence, subject to discovery, or otherwise used in any trial, hearing, or other proceeding in or before any court, regulatory body, or other authority of the United States, a State, or a political subdivision thereof, provided that nothing in this subtitle shall create a defense to discovery or otherwise affect the discovery of any communication, document, material, or other record not created for the sole purpose of preparing, drafting, or submitting such report.

''(f) SHARING WITH NON-FEDERAL ENTITIES.—The Agency shall anonymize the victim who reported the information when making information provided in reports received under section 2232 available to critical infrastructure owners and operators and the general public.

''(g) PROPRIETARY INFORMATION.—Information contained in a report submitted to the Agency under section 2232 shall be considered the commercial, financial, and proprietary information of the covered entity when so designated by the covered entity.

''(h) STORED COMMUNICATIONS ACT.—Nothing in this subtitle shall be construed to permit or require disclosure by a provider of a remote computing service or a provider of an electronic communication service to the public of information not otherwise permitted or required to be disclosed under chapter 121 of title 18, United States Code (commonly known as the 'Stored Communications Act').''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the items relating to subtitle B of title XXII the following:

''Subtitle C—Cyber Incident Reporting

''Sec. 2230. Definitions.
''Sec. 2231. Cyber Incident Review.
''Sec. 2232. Required reporting of certain cyber incidents.
''Sec. 2233. Voluntary reporting of other cyber incidents.
''Sec. 2234. Noncompliance with required reporting.
''Sec. 2235. Information shared with or provided to the Federal Government.''.

SEC. 6104. FEDERAL SHARING OF INCIDENT REPORTS.

(a) CYBER INCIDENT REPORTING SHARING.—

(1) IN GENERAL.—Notwithstanding any other provision of law or regulation, any Federal agency, including any independent establishment (as defined in section 104 of title 5, United States Code), that receives a report from an entity of a cyber incident, including a ransomware attack, shall provide the report to the Director as soon as possible, but not later than 24 hours after receiving the report, unless a shorter period is required by an agreement made between the Cybersecurity Infrastructure Security Agency and the recipient Federal agency. The Director shall share and coordinate each report pursuant to section 2231(b) of the Homeland Security Act of 2002, as added by section 6103 of this title.

(2) RULE OF CONSTRUCTION.—The requirements described in paragraph (1) shall not be construed to be a violation of any provision of law or policy that would otherwise prohibit disclosure within the executive branch.

(3) PROTECTION OF INFORMATION.—The Director shall comply with any obligations of the recipient Federal agency described in paragraph (1) to protect information, including with respect to privacy, confidentiality, or information security, if those obligations would impose greater protection requirements than this Act or the amendments made by this Act.

(4) FOIA EXEMPTION.—Any report received by the Director pursuant to paragraph (1) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code (commonly known as the ''Freedom of Information Act'').

(b) CREATION OF COUNCIL.—Section 1752(c) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 1500(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (G), by striking ''and'' at the end;

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

''(H) lead an intergovernmental Cyber Incident Reporting Council, in coordination with the Director of the Office of Management and Budget, the Attorney General, and the Director of the Cybersecurity and Infrastructure Security Agency and in consultation with Sector Risk Management Agencies (as defined in section 2201 of the Homeland Security Act of 2002 (6 U.S.C. 651)) and other appropriate Federal agencies, to coordinate, deconflict, and harmonize Federal incident reporting requirements, including those issued through regulations, for covered entities (as defined in section 2230 of such Act) and entities that make a ransom payment (as defined in such section 2201 (6 U.S.C. 651)); and''; and

(2) by adding at the end the following:

''(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1)(H) shall be construed to provide any additional regulatory authority to any Federal entity.''.

(c) HARMONIZING REPORTING REQUIREMENTS.—The National Cyber Director shall, in consultation with the Director, the Attorney General, the Cyber Incident Reporting Council described in section 1752(c)(1)(H) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 1500(c)(1)(H)), and the Director of the Office of Management and Budget, to the maximum extent practicable—

(1) periodically review existing regulatory requirements, including the information required in such reports, to report cyber incidents and ensure that any such reporting requirements and procedures avoid conflicting, duplicative, or burdensome requirements; and

(2) coordinate with the Director, the Attorney General, and regulatory authorities that receive reports relating to cyber incidents to identify opportunities to streamline reporting processes, and where feasible, facilitate interagency agreements between such authorities to permit the sharing of such reports, consistent with applicable law and policy, without impacting the ability of such agencies to gain timely situational awareness of a covered cyber incident or ransom payment.

SEC. 6105. RANSOMWARE VULNERABILITY WARNING PILOT PROGRAM.

(a) PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Director shall establish a ransomware vulnerability warning program to leverage existing authorities and technology to specifically develop processes and procedures for, and to dedicate resources to, identifying information systems that contain security vulnerabilities associated with common ransomware attacks, and to notify the owners of those vulnerable systems of their security vulnerability.

(b) IDENTIFICATION OF VULNERABLE SYSTEMS.—The pilot program established under subsection (a) shall—

(1) identify the most common security vulnerabilities utilized in ransomware attacks and mitigation techniques; and

(2) utilize existing authorities to identify Federal and other relevant information systems that contain the security vulnerabilities identified in paragraph (1).

(c) ENTITY NOTIFICATION.—

(1) IDENTIFICATION.—If the Director is able to identify the entity at risk that owns or operates a vulnerable information system identified in subsection (b), the Director may notify the owner of the information system.

(2) NO IDENTIFICATION.—If the Director is not able to identify the entity at risk that owns or operates a vulnerable information system identified in subsection (b), the Director may utilize the subpoena authority pursuant to section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659) to identify and notify the entity at risk pursuant to the procedures within that section.

(3) REQUIRED INFORMATION.—A notification made under paragraph (1) shall include information on the identified security vulnerability and mitigation techniques.

(d) PRIORITIZATION OF NOTIFICATIONS.—To the extent practicable, the Director shall prioritize covered entities for identification and notification activities under the pilot program established under this section.

(e) LIMITATION ON PROCEDURES.—No procedure, notification, or other authorities utilized in the execution of the pilot program established under subsection (a) shall require an owner or operator of a vulnerable information system to take any action as a result of a notice of a security vulnerability made pursuant to subsection (c).

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide additional authorities to the Director to identify vulnerabilities or vulnerable systems.

(g) TERMINATION.—The pilot program established under subsection (a) shall terminate on the date that is 4 years after the date of enactment of this Act.

SEC. 6106. RANSOMWARE THREAT MITIGATION ACTIVITIES.

(a) JOINT RANSOMWARE TASK FORCE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the National Cyber Director, in consultation

with the Attorney General and the Director of the Federal Bureau of Investigation, shall establish and chair the Joint Ransomware Task Force to coordinate an ongoing nationwide campaign against ransomware attacks, and identify and pursue opportunities for international cooperation.

(2) COMPOSITION.—The Joint Ransomware Task Force shall consist of participants from Federal agencies, as determined appropriate by the National Cyber Director in consultation with the Secretary of Homeland Security.

(3) RESPONSIBILITIES.—The Joint Ransomware Task Force, utilizing only existing authorities of each participating agency, shall coordinate across the Federal Government the following activities:

(A) Prioritization of intelligence-driven operations to disrupt specific ransomware actors.

(B) Consult with relevant private sector, State, local, Tribal, and territorial governments and international stakeholders to identify needs and establish mechanisms for providing input into the Task Force.

(C) Identifying, in consultation with relevant entities, a list of highest threat ransomware entities updated on an ongoing basis, in order to facilitate—

(i) prioritization for Federal action by appropriate Federal agencies; and

(ii) identify metrics for success of said actions.

(D) Disrupting ransomware criminal actors, associated infrastructure, and their finances.

(E) Facilitating coordination and collaboration between Federal entities and relevant entities, including the private sector, to improve Federal actions against ransomware threats.

(F) Collection, sharing, and analysis of ransomware trends to inform Federal actions.

(G) Creation of after-action reports and other lessons learned from Federal actions that identify successes and failures to improve subsequent actions.

(H) Any other activities determined appropriate by the task force to mitigate the threat of ransomware attacks against Federal and non-Federal entities.

(b) CLARIFYING PRIVATE SECTOR LAWFUL DEFENSIVE MEASURES.—Not later than 180 days after the date of enactment of this Act, the National Cyber Director, in coordination with the Secretary of Homeland Security and the Attorney General, shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Oversight and Reform of the House of Representatives a report that describes defensive measures that private sector actors can take when countering ransomware attacks and what laws need to be clarified to enable that action.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide any additional authority to any Federal agency.

SEC. 6107. CONGRESSIONAL REPORTING.

(a) REPORT ON STAKEHOLDER ENGAGEMENT.—Not later than 30 days after the date on which the Director issues the final rule under section 2232(b) of the Homeland Security Act of 2002, as added by section 6103(b) of this title, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that describes how the Director engaged stakeholders in the development of the final rule.

(b) REPORT ON OPPORTUNITIES TO STRENGTHEN SECURITY RESEARCH.—Not later than 1 year after the date of enactment of this Act, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report describing how the National Cybersecurity and Communications Integration Center established under section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659) has carried out activities under section 2231(a)(9) of the Homeland Security Act of 2002, as added by section 6103(a) of this title, by proactively identifying opportunities to use cyber incident data to inform and enable cybersecurity research within the academic and private sector.

(c) REPORT ON RANSOMWARE VULNERABILITY WARNING PILOT PROGRAM.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for the duration of the pilot program established under section 6105, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report, which may include a classified annex, on the effectiveness of the pilot program, which shall include a discussion of the following:

(1) The effectiveness of the notifications under section 6105(c) in mitigating security vulnerabilities and the threat of ransomware.

(2) Identification of the most common vulnerabilities utilized in ransomware.

(3) The number of notifications issued during the preceding year.

(4) To the extent practicable, the number of vulnerable devices or systems mitigated under this pilot by the Agency during the preceding year.

(d) REPORT ON HARMONIZATION OF REPORTING REGULATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date on which the National Cyber Director convenes the Council described in section 1752(c)(1)(H) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 1500(c)(1)(H)), the National Cyber Director shall submit to the appropriate congressional committees a report that includes—

(A) a list of duplicative Federal cyber incident reporting requirements on covered entities and entities that make a ransom payment;

(B) a description of any challenges in harmonizing the duplicative reporting requirements;

(C) any actions the National Cyber Director intends to take to facilitate harmonizing the duplicative reporting requirements; and

(D) any proposed legislative changes necessary to address the duplicative reporting.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to provide any additional regulatory authority to any Federal agency.

(e) GAO REPORTS.—

(1) IMPLEMENTATION OF THIS ACT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the implementation of this Act and the amendments made by this Act.

(2) EXEMPTIONS TO REPORTING.—Not later than 1 year after the date on which the Director issues the final rule required under section 2232(b) of the Homeland Security Act of 2002, as added by section 6103 of this title, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the exemptions to reporting under paragraphs (2) and (5) of section 2232(a) of the Homeland Security Act of 2002, as added by section 6103 of this title, which shall include—

(A) to the extent practicable, an evaluation of the quantity of incidents not reported to the Federal Government;

(B) an evaluation of the impact on impacted entities, homeland security, and the national economy of the ransomware criminal ecosystem of incidents and ransom payments, including a discussion on the scope of impact of incidents that were not reported to the Federal Government;

(C) an evaluation of the burden, financial and otherwise, on entities required to report cyber incidents under this Act, including an analysis of entities that meet the definition of a small organization and would be exempt from ransom payment reporting but not for being a covered entity; and

(D) a description of the consequences and effects of the exemptions.

(f) REPORT ON EFFECTIVENESS OF ENFORCEMENT MECHANISMS.—Not later than 1 year after the date on which the Director issues the final rule required under section 2232(b) of the Homeland Security Act of 2002, as added by section 6103 of this title, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the effectiveness of the enforcement mechanisms within section 2234 of the Homeland Security Act of 2002, as added by section 6103 of this title.

TITLE LXII—CISA TECHNICAL CORRECTIONS AND IMPROVEMENTS ACT OF 2021

SEC. 6201. SHORT TITLE.

This title may be cited as the ''CISA Technical Corrections and Improvements Act of 2021''.

SEC. 6202. REDESIGNATIONS.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended—

(1) by redesignating section 2217 (6 U.S.C. 665f) as section 2220;

(2) by redesignating section 2216 (6 U.S.C. 665e) as section 2219;

(3) by redesignating the fourth section 2215 (relating to Sector Risk Management Agencies) (6 U.S.C. 665d) as section 2218;

(4) by redesignating the third section 2215 (relating to the Cybersecurity State Coordinator) (6 U.S.C. 665c) as section 2217; and

(5) by redesignating the second section 2215 (relating to the Joint Cyber Planning Office) (6 U.S.C. 665b) as section 2216.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2202(c) of the Homeland Security Act of 2002 (6 U.S.C. 652(c)) is amended—

(1) in paragraph (11), by striking ''and'' at the end;

(2) in the first paragraph (12)—

(A) by striking ''section 2215'' and inserting ''section 2217''; and

(B) by striking ''and'' at the end; and

(3) by redesignating the second and third paragraphs (12) as paragraphs (13) and (14), respectively.

(c) ADDITIONAL TECHNICAL AMENDMENT.—

(1) AMENDMENT.—Section 904(b)(1) of the DOTGOV Act of 2020 (title IX of division U of Public Law 116–260) is amended, in the matter preceding subparagraph (A), by striking ''Homeland Security Act'' and inserting ''Homeland Security Act of 2002''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if

enacted as part of the DOTGOV Act of 2020 (title IX of division U of Public Law 116–260).

SEC. 6203. CONSOLIDATION OF DEFINITIONS.

(a) IN GENERAL.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651) is amended by inserting before the subtitle A heading the following:

''SEC. 2200. DEFINITIONS.

''Except as otherwise specifically provided, in this title:

''(1) AGENCY.—The term 'Agency' means the Cybersecurity and Infrastructure Security Agency.

''(2) AGENCY INFORMATION.—The term 'agency information' means information collected or maintained by or on behalf of an agency.

''(3) AGENCY INFORMATION SYSTEM.—The term 'agency information system' means an information system used or operated by an agency or by another entity on behalf of an agency.

''(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(B) the Committee on Homeland Security of the House of Representatives.

''(5) CLOUD SERVICE PROVIDER.—The term 'cloud service provider' means an entity offering products or services related to cloud computing, as defined by the National Institutes of Standards and Technology in NIST Special Publication 800–145 and any amendatory or superseding document relating thereto.

''(6) CRITICAL INFRASTRUCTURE INFORMATION.—The term 'critical infrastructure information' means information not customarily in the public domain and related to the security of critical infrastructure or protected systems, including—

''(A) actual, potential, or threatened interference with, attack on, compromise of, or incapacitation of critical infrastructure or protected systems by either physical or computer-based attack or other similar conduct (including the misuse of or unauthorized access to all types of communications and data transmission systems) that violates Federal, State, or local law, harms interstate commerce of the United States, or threatens public health or safety;

''(B) the ability of any critical infrastructure or protected system to resist such interference, compromise, or incapacitation, including any planned or past assessment, projection, or estimate of the vulnerability of critical infrastructure or a protected system, including security testing, risk evaluation thereto, risk management planning, or risk audit; or

''(C) any planned or past operational problem or solution regarding critical infrastructure or protected systems, including repair, recovery, reconstruction, insurance, or continuity, to the extent it is related to such interference, compromise, or incapacitation.

''(7) CYBER THREAT INDICATOR.—The term 'cyber threat indicator' means information that is necessary to describe or identify—

''(A) malicious reconnaissance, including anomalous patterns of communications that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat or security vulnerability;

''(B) a method of defeating a security control or exploitation of a security vulnerability;

''(C) a security vulnerability, including anomalous activity that appears to indicate the existence of a security vulnerability;

''(D) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to unwittingly enable the defeat of a security control or exploitation of a security vulnerability;

''(E) malicious cyber command and control;

''(F) the actual or potential harm caused by an incident, including a description of the information exfiltrated as a result of a particular cybersecurity threat;

''(G) any other attribute of a cybersecurity threat, if disclosure of such attribute is not otherwise prohibited by law; or

''(H) any combination thereof.

''(8) CYBERSECURITY PURPOSE.—The term 'cybersecurity purpose' means the purpose of protecting an information system or information that is stored on, processed by, or transiting an information system from a cybersecurity threat or security vulnerability.

''(9) CYBERSECURITY RISK.—The term 'cybersecurity risk'—

''(A) means threats to and vulnerabilities of information or information systems and any related consequences caused by or resulting from unauthorized access, use, disclosure, degradation, disruption, modification, or destruction of such information or information systems, including such related consequences caused by an act of terrorism; and

''(B) does not include any action that solely involves a violation of a consumer term of service or a consumer licensing agreement.

''(10) CYBERSECURITY THREAT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'cybersecurity threat' means an action, not protected by the First Amendment to the Constitution of the United States, on or through an information system that may result in an unauthorized effort to adversely impact the security, availability, confidentiality, or integrity of an information system or information that is stored on, processed by, or transiting an information system.

''(B) EXCLUSION.—The term 'cybersecurity threat' does not include any action that solely involves a violation of a consumer term of service or a consumer licensing agreement.

''(11) DEFENSIVE MEASURE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'defensive measure' means an action, device, procedure, signature, technique, or other measure applied to an information system or information that is stored on, processed by, or transiting an information system that detects, prevents, or mitigates a known or suspected cybersecurity threat or security vulnerability.

''(B) EXCLUSION.—The term 'defensive measure' does not include a measure that destroys, renders unusable, provides unauthorized access to, or substantially harms an information system or information stored on, processed by, or transiting such information system not owned by—

''(i) the entity operating the measure; or

''(ii) another entity or Federal entity that is authorized to provide consent and has provided consent to that private entity for operation of such measure.

''(12) HOMELAND SECURITY ENTERPRISE.—The term 'Homeland Security Enterprise' means relevant governmental and nongovernmental entities involved in homeland security, including Federal, State, local, and Tribal government officials, private sector representatives, academics, and other policy experts.

''(13) INCIDENT.—The term 'incident' means an occurrence that actually or imminently jeopardizes, without lawful authority, the integrity, confidentiality, or availability of information on an information system, or actually or imminently jeopardizes, without lawful authority, an information system.

''(14) INFORMATION SHARING AND ANALYSIS ORGANIZATION.—The term 'Information Sharing and Analysis Organization' means any formal or informal entity or collaboration created or employed by public or private sector organizations, for purposes of—

''(A) gathering and analyzing critical infrastructure information, including information related to cybersecurity risks and incidents, in order to better understand security problems and interdependencies related to critical infrastructure, including cybersecurity risks and incidents, and protected systems, so as to ensure the availability, integrity, and reliability thereof;

''(B) communicating or disclosing critical infrastructure information, including cybersecurity risks and incidents, to help prevent, detect, mitigate, or recover from the effects of a interference, compromise, or a incapacitation problem related to critical infrastructure, including cybersecurity risks and incidents, or protected systems; and

''(C) voluntarily disseminating critical infrastructure information, including cybersecurity risks and incidents, to its members, State, local, and Federal Governments, or any other entities that may be of assistance in carrying out the purposes specified in subparagraphs (A) and (B).

''(15) INFORMATION SYSTEM.—The term 'information system' has the meaning given the term in section 3502 of title 44, United States Code.

''(16) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

''(17) MANAGED SERVICE PROVIDER.—The term 'managed service provider' means an entity that delivers services, such as network, application, infrastructure, or security services, via ongoing and regular support and active administration on the premises of a customer, in the data center of the entity (such as hosting), or in a third party data center.

''(18) MONITOR.—The term 'monitor' means to acquire, identify, or scan, or to possess, information that is stored on, processed by, or transiting an information system.

''(19) NATIONAL CYBERSECURITY ASSET RESPONSE ACTIVITIES.—The term 'national cybersecurity asset response activities' means—

''(A) furnishing cybersecurity technical assistance to entities affected by cybersecurity risks to protect assets, mitigate vulnerabilities, and reduce impacts of cyber incidents;

''(B) identifying other entities that may be at risk of an incident and assessing risk to the same or similar vulnerabilities;

''(C) assessing potential cybersecurity risks to a sector or region, including potential cascading effects, and developing courses of action to mitigate such risks;

''(D) facilitating information sharing and operational coordination with threat response; and

''(E) providing guidance on how best to utilize Federal resources and capabilities in a timely, effective manner to speed recovery from cybersecurity risks.

''(20) NATIONAL SECURITY SYSTEM.—The term 'national security system' has the meaning given the term in section 11103 of title 40, United States Code.

''(21) RANSOM PAYMENT.—The term 'ransom payment' means the transmission of any money or other property or asset, including virtual currency, or any portion thereof, which has at any time been delivered as ransom in connection with a ransomware attack.

''(22) RANSOMWARE ATTACK.—The term 'ransomware attack'—

''(A) means a cyber incident that includes the use or threat of use of unauthorized or malicious code on an information system, or the use or threat of use of another digital mechanism such as a denial of service attack, to interrupt or disrupt the operations of an information system or compromise the confidentiality, availability, or integrity of electronic data stored on, processed by, or transiting an information system to extort a demand for a ransom payment; and

''(B) does not include any such event where the demand for payment is made by a Federal Government entity, good faith security research, or in response to an invitation by the owner or operator of the information system for third parties to identify vulnerabilities in the information system.

''(23) SECTOR RISK MANAGEMENT AGENCY.—The term 'Sector Risk Management Agency' means a Federal department or agency, designated by law or Presidential directive, with responsibility for providing institutional knowledge and specialized expertise of a sector, as well as leading, facilitating, or supporting programs and associated activities of its designated critical infrastructure sector in the all hazards environment in coordination with the Department.

''(24) SECURITY CONTROL.—The term 'security control' means the management, operational, and technical controls used to protect against an unauthorized effort to adversely affect the confidentiality, integrity, and availability of an information system or its information.

''(25) SECURITY VULNERABILITY.—The term 'security vulnerability' means any attribute of hardware, software, process, or procedure that could enable or facilitate the defeat of a security control.

''(26) SHARING.—The term 'sharing' (including all conjugations thereof) means providing, receiving, and disseminating (including all conjugations of each such terms).

''(27) SUPPLY CHAIN COMPROMISE.—The term 'supply chain compromise' means a cyber incident within the supply chain of an information system that an adversary can leverage to jeopardize the confidentiality, integrity, or availability of the information technology system or the information the system processes, stores, or transmits, and can occur at any point during the life cycle.

''(28) VIRTUAL CURRENCY.—The term 'virtual currency' means the digital representation of value that functions as a medium of exchange, a unit of account, or a store of value.

''(29) VIRTUAL CURRENCY ADDRESS.—The term 'virtual currency address' means a unique public cryptographic key identifying the location to which a virtual currency payment can be made.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by amending section 2201 to read as follows:

''SEC. 2201. DEFINITION.

''In this subtitle, the term 'Cybersecurity Advisory Committee' means the advisory committee established under section 2219(a).'';

(2) in section 2202—

(A) in subsection (a)(1), by striking ''(in this subtitle referred to as the Agency)'';

(B) in subsection (f)—

(i) in paragraph (1), by inserting ''Executive'' before ''Assistant Director''; and

(ii) in paragraph (2), by inserting ''Executive'' before ''Assistant Director'';

(3) in section 2203(a)(2), by striking ''as the 'Assistant Director'' and inserting ''as the 'Executive Assistant Director'';

(4) in section 2204(a)(2), by striking ''as the 'Assistant Director'' and inserting ''as the 'Executive Assistant Director'';

(5) in section 2209—

(A) by striking subsection (a);

(B) by redesignating subsections (b) through (o) as subsections (a) through (n), respectively;

(C) in subsection (c)(1)—

(i) in subparagraph (A)(iii), as so redesignated, by striking '', as that term is defined under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))''; and

(ii) in subparagraph (B)(ii), by striking ''information sharing and analysis organizations'' and inserting ''Information Sharing and Analysis Organizations'';

(D) in subsection (d), as so redesignated—

(i) in the matter preceding paragraph (1), by striking ''subsection (c)'' and inserting ''subsection (b)''; and

(ii) in paragraph (1)(E)(ii)(II), by striking ''information sharing and analysis organizations'' and inserting ''Information Sharing and Analysis Organizations'';

(E) in subsection (j), as so redesignated, by striking ''subsection (c)(8)'' and inserting ''subsection (b)(8)''; and

(F) in subsection (n), as so redesignated—

(i) in paragraph (2)(A), by striking ''subsection (c)(12)'' and inserting ''subsection (b)(12)''; and

(ii) in paragraph (3)(B)(i), by striking ''subsection (c)(12)'' and inserting ''subsection (b)(12)'';

(6) in section 2210—

(A) by striking subsection (a);

(B) by redesignating subsections (b) through (d) as subsections (a) through (c), respectively;

(C) in subsection (b), as so redesignated—

(i) by striking ''information sharing and analysis organizations (as defined in section 2222(5))'' and inserting ''Information Sharing and Analysis Organizations''; and

(ii) by striking ''(as defined in section 2209)''; and

(D) in subsection (c), as so redesignated, by striking ''subsection (c)'' and inserting ''subsection (b)'';

(7) in section 2211, by striking subsection (h);

(8) in section 2212, by striking ''information sharing and analysis organizations (as defined in section 2222(5))'' and inserting ''Information Sharing and Analysis Organizations'';

(9) in section 2213—

(A) by striking subsection (a);

(B) by redesignating subsections (b) through (f) as subsections (a) through (e); respectively;

(C) in subsection (b), as so redesignated, by striking ''subsection (b)'' each place it appears and inserting ''subsection (a)'';

(D) in subsection (c), as so redesignated, in the matter preceding paragraph (1), by striking ''subsection (b)'' and inserting ''subsection (a)''; and

(E) in subsection (d), as so redesignated—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking ''subsection (c)(2)'' and inserting ''subsection (b)(2)'';

(II) in subparagraph (A), by striking ''subsection (c)(1)'' and inserting ''subsection (b)(1)''; and

(III) in subparagraph (B), by striking ''subsection (c)(2)'' and inserting ''subsection (b)(2)''; and

(ii) in paragraph (2), by striking ''subsection (c)(2)'' and inserting ''subsection (b)(2)'';

(10) in section 2216, as so redesignated—

(A) in subsection (d)(2), by striking ''information sharing and analysis organizations'' and inserting ''Information Sharing and Analysis Organizations''; and

(B) by striking subsection (f) and inserting the following:

''(f) CYBER DEFENSE OPERATION DEFINED.—In this section, the term 'cyber defense operation' means the use of a defensive measure.'';

(11) in section 2218(c)(4)(A), as so redesignated, by striking ''information sharing and analysis organizations'' and inserting ''Information Sharing and Analysis Organizations''; and

(12) in section 2222—

(A) by striking paragraphs (3), (5), and (8);

(B) by redesignating paragraph (4) as paragraph (3); and

(C) by redesignating paragraphs (6) and (7) as paragraphs (4) and (5), respectively.

(c) TABLE OF CONTENTS AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended—

(1) by inserting before the item relating to subtitle A of title XXII the following:

''Sec. 2200. Definitions.'';

(2) by striking the item relating to section 2201 and inserting the following:

''Sec. 2201. Definition.''; and

(3) by striking the item relating to section 2214 and all that follows through the item relating to section 2217 and inserting the following:

''Sec. 2214. National Asset Database.
''Sec. 2215. Duties and authorities relating to .gov internet domain.
''Sec. 2216. Joint Cyber Planning Office.
''Sec. 2217. Cybersecurity State Coordinator.
''Sec. 2218. Sector Risk Management Agencies.
''Sec. 2219. Cybersecurity Advisory Committee.
''Sec. 2220. Cybersecurity Education and Training Programs.''.

(d) CYBERSECURITY ACT OF 2015 DEFINITIONS.—Section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501) is amended—

(1) by striking paragraphs (4) through (7) and inserting the following:

''(4) CYBERSECURITY PURPOSE.—The term 'cybersecurity purpose' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

''(5) CYBERSECURITY THREAT.—The term 'cybersecurity threat' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

''(6) CYBER THREAT INDICATOR.—The term 'cyber threat indicator' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

''(7) DEFENSIVE MEASURE.—The term 'defensive measure' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.'';

(2) by striking paragraph (13) and inserting the following:

''(13) MONITOR.— The term 'monitor' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.''; and

(3) by striking paragraphs (16) and (17) and inserting the following:

''(16) SECURITY CONTROL.—The term 'security control' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

''(17) SECURITY VULNERABILITY.—The term 'security vulnerability' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.''.

SEC. 6204. ADDITIONAL TECHNICAL AND CONFORMING AMENDMENTS.

(a) FEDERAL CYBERSECURITY ENHANCEMENT ACT OF 2015.—The Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1521 et seq.) is amended—

(1) in section 222 (6 U.S.C. 1521)—

(A) in paragraph (2), by striking ''section 2210'' and inserting ''section 2200''; and

(B) in paragraph (4), by striking ''section 2209'' and inserting ''section 2200'';

(2) in section 223(b) (6 U.S.C. 151 note), by striking ''section 2213(b)(1)'' each place it appears and inserting ''section 2213(a)(1)'';

(3) in section 226 (6 U.S.C. 1524)—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''section 2213'' and inserting ''section 2200'';

(ii) in paragraph (2), by striking ''section 102'' and inserting ''section 2200 of the Homeland Security Act of 2002'';

(iii) in paragraph (4), by striking ''section 2210(b)(1)'' and inserting ''section 2210(a)(1)''; and

(iv) in paragraph (5), by striking ''section 2213(b)'' and inserting ''section 2213(a)''; and

(B) in subsection (c)(1)(A)(vi), by striking ''section 2213(c)(5)'' and inserting ''section 2213(b)(5)''; and

(4) in section 227(b) (6 U.S.C. 1525(b)), by striking ''section 2213(d)(2)'' and inserting ''section 2213(c)(2)''.

(b) PUBLIC HEALTH SERVICE ACT.—Section 2811(b)(4)(D) of the Public Health Service Act (42 U.S.C. 300hh–10(b)(4)(D)) is amended by striking ''section 228(c) of the Homeland Security Act of 2002 (6 U.S.C. 149(c))'' and inserting ''section 2210(b) of the Homeland Security Act of 2002 (6 U.S.C. 660(b))''.

(c) WILLIAM M. (MAC) THORNBERRY NATIONAL DEFENSE AUTHORIZATION ACT OF FISCAL YEAR 2021.—Section 9002 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 652a) is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking ''section 2222(5) of the Homeland Security Act of 2002 (6 U.S.C. 671(5))'' and inserting ''section 2200 of the Homeland Security Act of 2002''; and

(B) by amending paragraph (7) to read as follows:

''(7) SECTOR RISK MANAGEMENT AGENCY.—The term 'Sector Risk Management Agency' has the meaning given the term in section 2200 of the Homeland Security Act of 2002.'';

(2) in subsection (c)(3)(B), by striking ''section 2201(5)'' and inserting ''section 2200''; and

(3) in subsection (d)—

(A) by striking ''section 2215'' and inserting ''section 2218''; and

(B) by striking '', as added by this section''.

(d) NATIONAL SECURITY ACT OF 1947.—Section 113B of the National Security Act of 1947 (50 U.S.C. 3049a(b)(4)) is amended by striking ''section 226 of the Homeland Security Act of 2002 (6 U.S.C. 147)'' and inserting ''section 2208 of the Homeland Security Act of 2002 (6 U.S.C. 658)''.

(e) IOT CYBERSECURITY IMPROVEMENT ACT OF 2020.—Section 5(b)(3) of the IoT Cybersecurity Improvement Act of 2020 (15 U.S.C. 278g–3c) is amended by striking ''section 2209(m) of the Homeland Security Act of 2002 (6 U.S.C. 659(m))'' and inserting ''section 2209(l) of the Homeland Security Act of 2002 (6 U.S.C. 659(l))''.

(f) SMALL BUSINESS ACT.—Section 21(a)(8)(B) of the Small Business Act (15 U.S.C. 648(a)(8)(B)) is amended by striking ''section 2209(a)'' and inserting ''section 2200''.

(g) TITLE 46.—Section 70101(2) of title 46, United States Code, is amended by striking ''section 227 of the Homeland Security Act of 2002 (6 U.S.C. 148)'' and inserting ''section 2200 of the Homeland Security Act of 2002''.

TITLE LXIII—FEDERAL CYBERSECURITY REQUIREMENTS

SEC. 6301. EXEMPTION FROM FEDERAL CYBERSECURITY REQUIREMENTS.

(a) IN GENERAL.—Section 225(b)(2) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1523(b)(2)) is amended to read as follows:

''(2) EXCEPTION.—

''(A) IN GENERAL.—A particular requirement under paragraph (1) shall not apply to an agency information system of an agency if—

''(i) with respect to the agency information system, the head of the agency submits to the Director an application for an exemption from the particular requirement, in which the head of the agency personally certifies to the Director with particularity that—

''(I) operational requirements articulated in the certification and related to the agency information system would make it excessively burdensome to implement the particular requirement;

''(II) the particular requirement is not necessary to secure the agency information system or agency information stored on or transiting the agency information system; and

''(III) the agency has taken all necessary steps to secure the agency information system and agency information stored on or transiting the agency information system;

''(ii) the head of the agency or the designee of the head of the agency has submitted the certification described in clause (i) to the appropriate congressional committees and any other congressional committee with jurisdiction over the agency; and

''(iii) the Director grants the exemption from the particular requirement.

''(B) DURATION OF EXEMPTION.—

''(i) IN GENERAL.—An exemption granted under subparagraph (A) shall expire on the date that is 1 year after the date on which the Director grants the exemption.

''(ii) RENEWAL.—Upon the expiration of an exemption granted to an agency under subparagraph (A), the head of the agency may apply for an additional exemption.''.

(b) REPORT ON EXEMPTIONS.—Section 3554(c)(1) of title 44, United States Code, as amended by section 5121 of this Act, is further amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) with respect to any exemptions the agency is granted by the Director of the Office of Management and Budget under section 225(b)(2) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1523(b)(2)) that is effective on the date of submission of the report, includes—

''(i) an identification of the particular requirements from which any agency information system (as defined in section 2210 of the Homeland Security Act of 2002 (6 U.S.C. 660)) is exempted; and

''(ii) for each requirement identified under subclause (I)—

''(I) an identification of the agency information system described in subclause (I) exempted from the requirement; and

''(II) an estimate of the date on which the agency will to be able to comply with the requirement.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that is 1 year after the date of enactment of this Act.

SA 4832. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—Sanctions Relating to the Actions of the Russian Federation With Respect to Ukraine

SEC. 1291. DEFINITIONS.

In this subtitle:

(1) ADMISSION; ADMITTED; ALIEN.—The terms ''admission'', ''admitted'', and ''alien'' have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives.

(3) DEFENSE ARTICLE; DEFENSE SERVICE.—The terms ''defense article'' and ''defense service'' have the meanings given those terms in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(4) FINANCIAL INSTITUTION.—The term ''financial institution'' means a financial institution specified in subparagraph (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (M), or (Y) of section 5312(a)(2) of title 31, United States Code.

(5) FOREIGN FINANCIAL INSTITUTION.—The term ''foreign financial institution'' has the meaning given that term in regulations prescribed by the Secretary of the Treasury.

(6) FOREIGN PERSON.—The term ''foreign person'' means an individual or entity that is not a United States person.

(7) KNOWINGLY.—The term ''knowingly'' with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(8) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity.

SEC. 1292. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) it is in the national security interests of the United States to continue and deepen the security partnership between the United States and Ukraine, including through providing both lethal and non-lethal assistance to Ukraine;

(2) aggression and malign influence by the Government of the Russian Federation in Ukraine is a threat to the democratic sovereignty of Ukraine, a valued and key partner of the United States;

(3) economic and financial sanctions, when used as part of a coordinated and comprehensive strategy, are a powerful tool to advance United States foreign policy and national security interests;

(4) the United States should expedite the provision of lethal and non-lethal assistance to Ukraine, and use all available tools to support and bolster the defense of Ukraine against potential aggression and military escalation by the Government of the Russian Federation;

(5) the United States should work closely with partners and allies to encourage the provision of lethal and non-lethal assistance to support and bolster the defense of Ukraine; and

(6) substantial new sanctions should be imposed in the event that the Government of

the Russian Federation engages in escalatory military or other offensive operations against Ukraine.

SEC. 1293. DETERMINATION WITH RESPECT TO OPERATIONS OF THE RUSSIAN FEDERATION IN UKRAINE.

Not later than 15 days after the date of the enactment of this Act, and periodically as necessary thereafter, the President shall—

(1) determine whether—

(A) the Government of the Russian Federation is engaged in or knowingly supporting a significant escalation in hostilities or hostile action in or against Ukraine, compared to the level of hostilities or hostile action in or against Ukraine prior to November 1, 2021; and

(B) if so, whether such escalation has the aim of undermining, overthrowing, or dismantling the Government of Ukraine, occupying the territory of Ukraine, or interfering with the sovereignty or territorial integrity of Ukraine; and

(2) submit to the appropriate congressional committees a report on that determination.

SEC. 1294. IMPOSITION OF SANCTIONS WITH RESPECT TO OFFICIALS OF THE GOVERNMENT OF THE RUSSIAN FEDERATION RELATING TO OPERATIONS IN UKRAINE.

(a) IN GENERAL.—Upon making an affirmative determination under section 1293(1) and not later than 30 days following such a determination, the President shall impose the sanctions described in subsection (d) with respect to each of the officials specified in subsection (b).

(b) OFFICIALS SPECIFIED.—The officials specified in this subsection are the following:

(1) The President of the Russian Federation.

(2) The Prime Minister of the Russian Federation.

(3) The Foreign Minister of the Russian Federation.

(4) The Minister of Defense of the Russian Federation.

(5) The Chief of the General Staff of the Armed Forces of the Russian Federation.

(6) The Commander-in-Chief of the Land Forces of the Russian Federation.

(7) The Commander of the Aerospace Forces of the Russian Federation.

(8) The Commander of the Airborne Forces of the Russian Federation.

(9) The Commander in Chief of the Navy of the Russian Federation.

(10) The Commander of the Strategic Rocket Forces of the Russian Federation.

(11) The Commander of the Special Operations Forces of the Russian Federation.

(12) The Commander of Logistical Support of the Russian Armed Forces.

(c) ADDITIONAL OFFICIALS.—

(1) LIST REQUIRED.—Not later than 30 days after making an affirmative determination under section 1293(1), and every 90 days thereafter, the President shall submit to the appropriate congressional committees a list of foreign persons that the President determines are—

(A) senior officials of any branch of the armed forces of the Russian Federation leading any of the operations described in section 1293(1); or

(B) senior officials of the Government of the Russian Federation, including any branch of the armed forces or intelligence agencies of the Russian Federation, engaged in planning or implementing such operations.

(2) IMPOSITION OF SANCTIONS.—Upon the submission of each list required by paragraph (1), the President shall impose the sanctions described in subsection (d) with respect to each foreign person identified on the list.

(d) SANCTIONS DESCRIBED.—The sanctions to be imposed with respect to a foreign person under this section are the following:

(1) PROPERTY BLOCKING.—The President shall exercise all of the powers granted by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of the foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) ALIENS INADMISSIBLE FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (b) or (c) is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—The visa or other entry documentation of an alien shall be revoked, regardless of when such visa or other entry documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

(I) take effect immediately; and

(II) automatically cancel any other valid visa or entry documentation that is in the alien's possession.

SEC. 1295. IMPOSITION OF SANCTIONS WITH RESPECT TO FOREIGN FINANCIAL INSTITUTIONS.

(a) IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—Upon making an affirmative determination under section 1293(1) and not later than 30 days following such a determination, the President shall impose the sanctions described in subsection (c) with respect to 3 or more of the following financial institutions:

(A) Sberbank.

(B) VTB.

(C) Gazprombank.

(D) VEB.RF.

(E) RDIF.

(F) Promsvyazbank.

(2) SUBSIDIARIES AND SUCCESSOR ENTITIES.—The President may impose the sanctions described in subsection (c) with respect to any subsidiary of, or successor entity to, a financial institution specified in paragraph (1).

(b) ADDITIONAL FOREIGN FINANCIAL INSTITUTIONS.—

(1) LIST REQUIRED.—Not later than 30 days after making an affirmative determination under section 1293(1), and every 90 days thereafter, the President shall submit to the appropriate congressional committees a list of foreign persons that the President determines—

(A) are significant financial institutions owned or operated by the Government of the Russian Federation; and

(B) should be sanctioned in the interest of United States national security.

(2) IMPOSITION OF SANCTIONS.—Upon the submission of each list required by paragraph (1), the President shall impose the sanctions described in subsection (c) with respect to each foreign person identified on the list.

(c) SANCTIONS DESCRIBED.—The President shall exercise all of the powers granted by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of a foreign person subject to subsection (a) or (b) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

SEC. 1296. PROHIBITION ON AND IMPOSITION OF SANCTIONS WITH RESPECT TO TRANSACTIONS INVOLVING RUSSIAN SOVEREIGN DEBT.

(a) PROHIBITION ON TRANSACTIONS.—Upon making an affirmative determination under section 1293(1) and not later than 30 days following such a determination, the President shall prohibit all transactions by United States persons involving the sovereign debt of the Government of the Russian Federation issued on or after the date of the enactment of this Act, including governmental bonds.

(b) IMPOSITION OF SANCTIONS WITH RESPECT TO STATE-OWNED ENTERPRISES.—

(1) IN GENERAL.—Not later than 60 days after making an affirmative determination under section 1293(1), the President shall identify and impose the sanctions described in subsection (d) with respect to foreign persons that the President determines engage in transactions involving the debt—

(A) of not less than 10 entities owned or controlled by the Government of the Russian Federation; and

(B) that is not subject to any other sanctions imposed by the United States.

(2) APPLICABILITY.—Sanctions imposed under paragraph (1) shall apply with respect to debt of an entity described in subparagraph (A) of that paragraph that is issued after the date that is 90 days after the President makes an affirmative determination under section 1293(1).

(c) LIST; IMPOSITION OF SANCTIONS.—Not later than 30 days after making an affirmative determination under section 1293(1), and every 90 days thereafter, the President shall—

(1) submit to the appropriate congressional committees a list of foreign persons that the President determines are engaged in transactions described in subsection (a); and

(2) impose the sanctions described in subsection (d) with respect to each such person.

(d) SANCTIONS DESCRIBED.—The sanctions to be imposed with respect to a foreign person described in subsection (b) or (c) are the following:

(1) PROPERTY BLOCKING.—The President shall exercise all of the powers granted by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of the foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) ALIENS INADMISSIBLE FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (b) or (c) is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—The visa or other entry documentation of an alien shall be revoked, regardless of when such visa or other entry documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

(I) take effect immediately; and

(II) automatically cancel any other valid visa or entry documentation that is in the alien's possession.

SEC. 1297. IMPOSITION OF SANCTIONS WITH RESPECT TO NORD STREAM 2.

(a) IN GENERAL.—Upon making an affirmative determination under section 1293(1) and

not later than 30 days following such a determination, the President shall impose the sanctions described in subsection (b) with respect to a foreign person that is—

(1) any entity established for or responsible for the planning, construction, or operation of the Nord Stream 2 pipeline or a successor entity; and

(2) any corporate officer of an entity described in paragraph (1).

(b) SANCTIONS DESCRIBED.—The sanctions to be imposed with respect to a foreign person under this section are the following:

(1) PROPERTY BLOCKING.—The President shall exercise all of the powers granted by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of the foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) ALIENS INADMISSIBLE FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (a)(2) is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—The visa or other entry documentation of an alien shall be revoked, regardless of when such visa or other entry documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

(I) take effect immediately; and

(II) automatically cancel any other valid visa or entry documentation that is in the alien's possession.

SEC. 1298. SANCTIONS WITH RESPECT TO RUSSIAN EXTRACTIVE INDUSTRIES.

(a) IDENTIFICATION.—Not later than 60 days after making an affirmative determination under section 1293(1), the President shall identify foreign persons in any of the sectors or industries described in subsection (b) that the President determines should be sanctioned in the interest of United States national security.

(b) SECTORS AND INDUSTRIES DESCRIBED.—The sectors and industries described in this subsection are the following:

(1) Oil and gas extraction and production.

(2) Coal extraction, mining, and production.

(3) Minerals extraction and processing.

(4) Any other sector or industry with respect to which the President determines the imposition of sanctions is in the United States national security interest.

(c) LIST; IMPOSITION OF SANCTIONS.—Not later than 90 days after making an affirmative determination under section 1293(1), the President shall—

(1) submit to the appropriate congressional committees a list of the persons identified under subsection (a); and

(2) impose the sanctions described in subsection (d) with respect to each such person.

(d) SANCTIONS DESCRIBED.—The sanctions to be imposed with respect to a foreign person under subsection (c) are the following:

(1) PROPERTY BLOCKING.—The President shall exercise all of the powers granted by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of the foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) ALIENS INADMISSIBLE FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (c) is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—The visa or other entry documentation of an alien shall be revoked, regardless of when such visa or other entry documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

(I) take effect immediately; and

(II) automatically cancel any other valid visa or entry documentation that is in the alien's possession.

SEC. 1299. AUTHORIZATION FOR USE OF WAR RESERVE STOCKPILE FOR ARMED FORCES OF UKRAINE.

Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h) or any other authorized limits set in law, the Secretary of Defense, in concurrence with the Secretary of State, is authorized to transfer defense articles from any war reserve stockpile to Ukraine for the purpose of assisting and supporting the Armed Forces of Ukraine.

SEC. 1299A. USE OF DEPARTMENT OF DEFENSE LEASE AUTHORITY AND SPECIAL DEFENSE ACQUISITION FUND TO SUPPORT UKRAINE.

(a) USE OF SPECIAL DEFENSE ACQUISITION FUND.—The Secretary of Defense, in concurrence with the Secretary of State, shall utilize, to the maximum extent possible, the Special Defense Acquisition Fund established under section 51 of the Arms Export Control Act (22 U.S.C. 2795) to expedite the procurement and delivery of defense articles and defense services for the purpose of assisting and supporting the Armed Forces of Ukraine.

(b) USE OF LEASE AUTHORITY.—The Secretary of Defense, in concurrence with the Secretary of State, shall utilize, to the maximum extent possible, its lease authority, including with respect to no-cost leases, to provide defense articles to Ukraine for the purpose of assisting and supporting the Armed Forces of Ukraine.

SEC. 1299B. IMPLEMENTATION; REGULATIONS; PENALTIES.

(a) IMPLEMENTATION.—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this subtitle.

(b) REGULATIONS.—The President shall issue such regulations, licenses, and orders as are necessary to carry out this subtitle.

(c) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this subtitle or any regulation, license, or order issued to carry out this subtitle shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

SEC. 1299C. EXCEPTIONS; WAIVER.

(a) EXCEPTIONS.—

(1) INTELLIGENCE ACTIVITIES.—This subtitle shall not apply with respect to activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

(2) EXCEPTION COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT AND LAW ENFORCEMENT OBJECTIVES.—Sanctions under this subtitle shall not apply to an alien if admitting the alien into the United States—

(A) is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success on June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations of the United States; or

(B) would further important law enforcement objectives.

(3) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The authority or a requirement to impose sanctions under this subtitle shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term ''good'' means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(b) NATIONAL SECURITY WAIVER.—The President may waive the imposition of sanctions under this subtitle with respect to a person if the President—

(1) determines that such a waiver is in the national security interests of the United States; and

(2) submits to the appropriate congressional committees a notification of the waiver and the reasons for the waiver.

SEC. 1299D. TERMINATION.

The President may terminate the sanctions imposed under this subtitle after determining and certifying to the appropriate congressional committees that the Government of the Russian Federation has—

(1) verifiably withdrawn all of its forces from Ukrainian territory that was not occupied or subject to control by forces or proxies of the Government of the Russian Federation prior to November 1, 2021;

(2) ceased supporting proxies in Ukrainian territory described in paragraph (1); and

(3) has entered into an agreed settlement with a legitimate democratic government of Ukraine.

SEC. 1299E. SUNSET.

The provisions of this subtitle shall terminate on the date that is 3 years after the date of the enactment of this Act.

SA 4833. Mr. BARRASSO (for himself, Mr. CRUZ, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1237. IMPOSITION OF SANCTIONS WITH RESPECT TO NORD STREAM 2.

(a) IN GENERAL.—Not later than 15 days after the date of the enactment of this Act, the President shall—

(1) impose sanctions under subsection (b) with respect to—

(A) Nord Stream 2 AG or a successor entity;

(B) Matthias Warnig; and

(C) any other corporate officer of or principal shareholder with a controlling interest in Nord Stream 2 AG or a successor entity; and

(2) impose sanctions under subsection (c) with respect to—

(A) Nord Stream 2 AG or a successor entity; and

(B) Matthias Warnig.

(b) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE OF IDENTIFIED PERSONS AND CORPORATE OFFICERS.—

(1) IN GENERAL.—

(A) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (a)(1) is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—The visa or other entry documentation of an alien described in subsection (a)(1) shall be revoked, regardless of when such visa or other entry documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

(I) take effect immediately; and

(II) automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(c) BLOCKING OF PROPERTY OF IDENTIFIED PERSONS.—The President shall exercise all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of a person described in subsection (a)(2) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(d) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(e) EXCEPTIONS.—

(1) EXCEPTION FOR INTELLIGENCE, LAW ENFORCEMENT, AND NATIONAL SECURITY ACTIVITIES.—Sanctions under this section shall not apply to any authorized intelligence, law enforcement, or national security activities of the United States.

(2) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under this section shall not apply with respect to the admission of an alien to the United States if the admission of the alien is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or other applicable international obligations.

(3) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—Notwithstanding any other provision of this section, the authorities and requirements to impose sanctions under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term ''good'' means any article, natural or man-made substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(f) SUNSET.—The authority to impose sanctions under this section shall terminate on the date that is 5 years after the date of the enactment of this Act.

(g) DEFINITIONS.—In this section:

(1) ADMISSION; ADMITTED; ALIEN.—The terms ''admission'' , ''admitted'' , and ''alien'' have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any person within the United States.

AUTHORITY FOR COMMITTEES TO MEET

Mr. TESTER. Mr. President, I have 6 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITIEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Thursday, November 18, 2021, at 9:30 a.m., to conduct a hearing on a nomination.

COMMITIEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Thursday, November 18, 2021, at 10 a.m., to conduct a business meeting.

COMMITIEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Thursday, November 18, 2021, at 10:15 a.m., to conduct a hearing on nominations.

COMMITIEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, November 18, 2021, at 9 a.m., to conduct a hearing.

SPECIAL COMMITIEE ON AGING

The Special Committee on Aging is authorized to meet during the session of the Senate on Thursday, November 18, 2021, at 9:30 a.m., to conduct a hearing.

SUBCOMMITIEE ON WESTERN HEMISPHERE, TRANSNATIONAL CRIME, CIVILIAN SECURITY, DEMOCRACY, HUMAN RIGHTS, AND GLOBAL WOMEN'S ISSUES

The Subcommittee on Western Hemisphere, Transnational Crime, Civilian Security, Democracy, Human Rights, and Global Women's Issues of the Committee on Foreign Relations is authorized to meet during the session of the Senate on Thursday, November 18, 2021, at 10 a.m., to conduct a hearing.

PRIVILEGES OF THE FLOOR

Mr. REED. Mr. President, I ask unanimous consent that Leslie Ashton and Cami Pease, Government Accountability Office detailees to the Senate Armed Services Committee, have floor privileges during consideration of the fiscal year 2022 National Defense Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The majority leader.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations en bloc: Calendar Nos. 332 and 444; that the Senate vote on the nominations en bloc without intervening action or debate; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

There being no objection, the Senate proceeded to consider the nominations.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nominations of Lee Satterfield, of South Carolina, to be an Assistant Secretary of State (Educational and Cultural Affairs) and Jeffrey M. Hovenier, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kosovo en bloc?

The nominations were confirmed en bloc.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

ORDERS FOR FRIDAY, NOVEMBER 19, 2021

Mr. SCHUMER. Madam President, I ask unanimous consent that when the

Senate complete its business today, it adjourn until 10 a.m., Friday, November 19; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate resume consideration of the motion to proceed to H.R. 4350, the National Defense Authorization Act, postcloture; further, that all time during adjournment, morning business, recess, and leader time count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SCHUMER. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 10:14 p.m., adjourned until Friday, November 19, 2021, at 10: a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

ANDRE B. MATHIS, OF TENNESSEE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE BERNICE BOUIE DONALD, RETIRING.

ALISON J. NATHAN, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE ROSEMARY S. POOLER, RETIRING.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 18, 2021:

DEPARTMENT OF STATE

LEE SATTERFIELD, OF SOUTH CAROLINA, TO BE AN ASSISTANT SECRETARY OF STATE (EDUCATIONAL AND CULTURAL AFFAIRS).

JULIANNE SMITH, OF MICHIGAN, TO BE UNITED STATES PERMANENT REPRESENTATIVE ON THE COUNCIL OF THE NORTH ATLANTIC TREATY ORGANIZATION , WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

JEFFREY M. HOVENIER, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KOSOVO.

DEPARTMENT OF THE INTERIOR

CHARLES F. SAMS III, OF OREGON, TO BE DIRECTOR OF THE NATIONAL PARK SERVICE.

EXTENSIONS OF REMARKS

HONORING THE WORK OF THE VALLEY SYRIA RELIEF COMMITTEE

HON. JAMES P. McGOVERN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2021

Mr. MCGOVERN. Madam Speaker, I rise in appreciation of the efforts of my constituents to educate their fellow Americans about the human consequences of more than a decade of horrendous armed conflict in Syria and to provide support to the Syrian people.

The crisis in Syria has faded from the headlines here in the U.S. But my constituents understand that democracy and justice, at home and abroad, depend on the commitment and participation of engaged American citizens. They have not given up, and neither must we.

Their efforts are well described in a column by Sara Weinberger of the Valley Syria Relief Committee, published on November 15 in the Daily Hampshirite Gazette, and which I would like to include in the RECORD.

HUMAN RIGHTS IN SYRIA HITS HOME

(By Sara Weinberger)

''It was 11:15 a.m. on Sept. 30th. I was one of six heads on the Zoom screen. Michael Kane, Micky McKinley, Debbie Shriver and I stared in silence. The four of us comprised The Valley Syrian Relief Committee.

''Sharing the screen were two of Congressman Jim McGovern's staff. We had requested the meeting to give the congressman an update on the war in Syria, now in its 11th year, and to ask that he raise his voice in Congress to save Syrian lives.

''What we didn't know was that McGovern had spent the morning trying to pass a stopgap bill on the last day of the fiscal year to prevent a government shutdown. Not a great day for our meeting, I thought, imagining a preoccupied McGovern politely listening to our presentation, while his mind was elsewhere. Apologizing for his late arrival, he left his morning crisis at the door, and for the next hour listened intently, asked questions, and showed us that the purpose of our visit genuinely mattered.

''In 2011, Syrians, inspired by our democratic form of government, demonstrated in defiance of the authoritarian regime of Syria's brutal dictator, Bashar Al Assad. They have been paying for it ever since with their lives and their livelihoods, with a whole generation of traumatized children who have lost loved ones, ran for refuge from barrel bombs, and tried to hold unto hope in a place that many have deemed a hell on earth. Yet, with our own country's democracy in peril, garnering interest in longstanding wars on the other side of the world can be a challenge.

''This was not the case in our own community, where several hundred of McGovern's constituents have faithfully demonstrated their commitment and concern for the welfare of Syrians since 2014. In September 2015, they filled the sanctuary of First Churches for our first big event, ''Songs for Syria'' to raise funds for the Syrian American Medical Society. We reminded McGovern of the hundreds who accepted our invitations to educate members of his district's interfaith organizations, who broke bread with us, shared soup, and bought copies of ''The Soup for Syria'' cookbook, produced by local publisher Michel Moushabeck.

''Folks from Franklin and Hampshire counties shipped a container filled with everything from diapers, to winter clothing, to shoes and boots to enable refugees and displaced people living in tents to survive the long Syrian winter. Actions led to more actions: groups gathered to write personal letters of hope to assure Syrian children and their families that they are not alone.

''Rebecca Leopold's students at Amherst Regional High School formed the Refugees in Distress Club, developing a curriculum to educate younger students about the situation in Syria. With the help of our partners at the Washington, D.C.-based Syrian Emergency Task Force, Mazen Al-Hamuda, spent a day at ARHS openly shared his traumatic story of the physical and emotional scars of brutal torture he endured in a Syrian prison.

''The above stories only scratch the surface of the many actions the residents of Congressional District 2 engaged in on behalf of the Syrian people. Their efforts allowed the Valley Syrian Relief Committee to raise more than $200,000 for humanitarian assistance and bring internationally known experts to inform and engage people in efforts to make sure the people of Syria are not forgotten.

''Pivoting to Zoom in 2020, our supporters generously donated funds to purchase two school buses to serve as an evacuation vehicle when the bombs start falling, an ambulance to get medical help for injured children, and of course, to transport the young children to their beloved Wisdom House School.

''There was heartbreak too. The news of Mazen Al Hamouda's disappearance in Syria broke all of our hearts, especially those of the students who fell in love with the lanky man with dark shadows under his eyes. Mazen's legacy will live on with some of these students, who went on to college to major in human rights and international relations. They will be the future peacebuilders, replacing dictatorships with civil societies in Syria and beyond.

''McGovern has been an ally for the Syrian people. He has organized programs for his congressional colleagues and others through the Lantos Human Rights Commission, to showcase Syrian heroes such as Caesar, who smuggled thousands of photographs of brutalized bodies of imprisoned Syrians, to expose to the world the war crimes of the Assad regime. We were moved by the genuine feelings expressed at the end of our meeting, when McGovern reminding his colleagues in Congress that they must recommit to bringing about an end to the carnage.

''Our own country is on a precipice, with democracy hanging by a thread. Recently, I have become aware that what has happened in Syria could one day envelop our own country. Fascism is rearing its ugly head on every continent. Aligning ourselves to support those who are suffering can grow an international movement for human rights. It begins in communities like those in western Massachusetts, with those who actively uphold the humanity of our brothers and sisters, no matter where they live.''

RECOGNIZING MIKE EPPS, COMEDIAN, PRODUCER, AND ACTOR

HON. ANDRÉ CARSON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2021

Mr. CARSON. Madam Speaker, today I rise to recognize Mike Epps, who will be filming his next Netflix comedy special in his hometown of Indianapolis and will also be inducted into the Madam Walker Legacy Center Walk of Fame on November 20, 2021.

Mike was born in Indianapolis to parents Mary Reed and Tommie Epps, and raised in our great city. Mike began performing comedy as a teenager. After achieving success in standup comedy, he moved to Atlanta, Georgia, to pursue a career in comedy at the Comedy Act Theater.

At 21 years old, Mike moved to New York City where he became a sensation in the underground Black comedy scene. Mike's career continued to prosper, performing in two HBO Def Comedy Jam broadcasts and appearing in the movie ''Strays'' in 1997 and the television series ''The Sopranos'' in 1999.

After New York, Mike's rise to fame took him to Los Angeles, where he landed a role in Ice Cube's movie ''Next Friday.'' His acting career gained momentum, appearing in films such as ''Dr. Dolittle 2 ,'' ''All About the Benjamins'' and ''The Fighting Temptations,'' to name just a few.

Mike has used his platform to support our city and give back to others. In 2012, he served as the ''Super Bowl Ambassador'' to Indianapolis. In addition, his generous contributions to the Tupac Amaru Shakur Foundation for the Arts in Georgia has helped provide opportunities for young people wishing to follow in his footsteps.

Today, I ask my colleagues to join me in honoring Mike Epps. Our community is proud of his success and deeply grateful for his dedicated philanthropic and mentorship efforts, which are making a positive impact in the lives of countless young people across the country.

HONORING DR. DIETER MARTIN GRUEN'S 99TH BIRTHDAY

HON. SEAN CASTEN
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2021

Mr. CASTEN. Madam Speaker, I rise today to celebrate Dr. Dieter Martin Gruen's 99th birthday, honor his service and contributions to the scientific community, and record my continued support for his nomination for the Presidential Medal of Freedom.

For nearly eight decades, Dr. Gruen has worked to enhance American technology development as a former Manhattan Project Scientist and Argonne National Laboratory Distinguished Fellow. Born in 1922, Dr. Gruen is an

internationally esteemed German-American chemist, inventor, and innovator who immigrated to the U.S. from Nazi Germany in 1936. Throughout his career, Dr. Gruen has been driven by his curiosity and commitment to science—allowing him to make critical contributions to nuclear fission and fusion, solar energy, energy storage, and conservation. Specifically, Dr. Gruen has made several key technological advancements such as the nuclear submarine reactor cooling design and purification of uranium used to end World War II in the Pacific theater.

Through this work and countless other selfless endeavors, Dr. Gruen has been recognized by the international scientific community with numerous awards—including from Argonne National Laboratory, Northwestern University, and the Patent Law Association of Chicago—for his pioneering research in chemistry, physics, along with the emerging fields of materials and nanoscience. Dr. Gruen has been granted over 60 U.S. patents for his work in alternative energy and discoveries in interdisciplinary subjects. His lifelong contribution to science and alternative energy technology is exemplary and his work continues through today. Dr. Gruen's tireless efforts to solve future clean energy challenges presented by climate change is seldom exhibited by an individual. Humble and unpretentious, Dr. Gruen has and remains the embodiment of a dedicated American and pure scientist.

Dr. Gruen's story is the story of many immigrant Americans: those who left behind places of persecution, discrimination, and lack of opportunity for a brighter future. Those who arrived on our shores and helped build our nation through their hard-work, courageous spirit, unyielding dedication, and personal sacrifice. His courage and tenacity is an inspiration for us all.

Through the years, I have had the great pleasure of sitting down with Dr. Gruen, and learned from his countless stories about his work on the Manhattan Project, the nuts and bolts of nuclear fission technology, and his unique journey to the United States. At 99, Dr. Gruen still sees the world as a place of vast opportunities for technological innovation, a quality that I know encourages my own optimism to tackle issues facing our society.

For the reasons mentioned here and many more, I sincerely believe that Dr. Dieter Gruen should be awarded the Presidential Medal of Freedom for his lifelong contributions to science and technology that continue today. Dr. Gruen's tireless efforts to solve future energy challenges is seldom exhibited by an individual. Humble and unpretentious, Dr. Gruen has and remains the embodiment of a dedicated American and pure scientist.

In April 2021, my colleagues Representatives BILL FOSTER, FRENCH HILL, JERRY MCNERNEY, and CHERI BUSTOS joined me in supporting Dr. Gruen's nomination for the highest civilian award in this country. Dr. Gruen has dedicated his life to science and made monumental contributions to shaping the United States as a leader and world power in technology, innovation, and national defense.

Congratulations to Dr. Gruen for his decades of accomplishments and exceptional contributions to science and the national security interests of the United States. I cannot think of a more deserving citizen for this award and today I wish him the happiest of birthdays.

RECOGNIZING MONGOLIA

HON. KEN BUCK

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2021

Mr. BUCK. Madam Speaker, as a member of the House Foreign Affairs Committee, I rise to highlight the importance of the strategic relationship between the United States and Mongolia.

Though geographically surrounded by two countries, Russia to the north and China to the south, I am told that Mongolia recognizes the United States as its ''third neighbor''—a key partnership forged through diplomatic, military, cultural, and economic relationships that provide immense value to both nations.

As the United States continually adapts, analyzes, and innovates to stay ahead of challenges from global competitors like China and Russia, maintaining and strengthening relationships with regional allies like Mongolia is critical. Since establishing formal diplomatic relations in 1987, and the country's peaceful democratic revolution in 1990, the United States and Mongolia have partnered to expand political and financial cooperation and to advance market-based reforms to stabilize and grow economic opportunities for Mongolian citizens.

The U.S. State Department's 2021 Investment Climate Statement on Mongolia highlighted the importance of direct foreign investment, especially from western companies and institutions, as pivotal for the growth and stability of the Mongolian economy. Mongolia is making efforts to bolster investor confidence by reiterating its commitment to implementing the U.S.-Mongolia Agreement on Transparency in Matters Related to International Trade and Investment. This agreement provides greater regulatory certainty and transparency for domestic and foreign investors by requiring a public-comment period before new regulations become final.

The State Department's report highlights areas of success where investments have outperformed expectations, particularly in retail and service sectors of the economy. The report also identifies sectors where greater certainty is needed to ensure continued economic growth, including the mining and natural resources industries.

To quote from the report:

''The Oyu Tolgoi copper and gold mine has resurfaced as a bellwether of Mongolia's investment climate. Upon reaching full production, the mine may produce as much as 25 percent of Mongolia's GDP. Resolving an ongoing investment dispute related to the mine between the government and multi-national shareholders is seen by many investors as essential to improving Mongolia's investment climate image internationally.'' (2021 Investment Climate Statements: Mongolia, 2021)

A stable and robust Mongolian economy is central not only to the country's democratic, cultural, and financial independence, but it is also a clear strategic asset to the United States. I commend the Mongolian government for the steps it has taken to welcome and incentivize investment into its economy and encourage the government to continue to make progress on the institutional and legal measures that are needed to secure existing capital and encourage further investments into local jobs, businesses, and economic opportunities for the Mongolian people. On behalf of the 4th Congressional District of Colorado, I am honored to recognize the important relationship between the United States and Mongolia.

HONORING ANTIBIOTIC AWARENESS WEEK

HON. A. DREW FERGUSON, IV

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2021

Mr. FERGUSON. Madam Speaker, I rise today to recognize Antibiotic Awareness Week as we work to combat a looming public health and national security crisis that may one day be our next pandemic if left unaddressed: antimicrobial resistance (AMR).

Applying the lessons learned from the COVID–19 pandemic by investing in pandemic preparedness now will save lives later. That is why I am spearheading bipartisan, bicameral legislation, the Pioneering Antimicrobial Subscriptions to End Upsurging Resistance Act, also known as the PASTEUR Act.

Through a partnership between the federal government and industry, this bill encourages innovative drug development to target the most threatening infections, improves the appropriate use of antibiotics, and ensures domestic availability when needed.

Madam Speaker, as we tackle this next medical frontier, we must bring together the unique capabilities and resources of the public and private sectors to solve the market failures impeding the development of new lines of antibiotics.

The PASTEUR Act accomplishes this, and I'm encouraged our legislation is included in a groundbreaking package introduced this week—Cures 2.0 that builds on the 21st Century Cures Act of 2016—taking another important step toward addressing antimicrobial resistance.

HONORING THE LEGACY OF JAMES MERIMON PAINTER

HON. TED BUDD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2021

Mr. BUDD. Madam Speaker, I rise today to honor the legacy of James Merimon Painter, who passed away in Prospect Hill, North Carolina on October 23, 2021.

James Painter spent his entire life advocating for and serving the community he loved. From helping his parents on their farm during the Great Depression, to advising the Caswell Vocational Commission Services and the Caswell Civic Center Committees, Painter was one who truly put his community before himself.

James took his knowledge of farming with him to the United States Navy where he was selected to lead a farming unit on the Mariana Island of Tinian to feed American GIs in the Pacific. While serving, he sustained serious injuries from sniper fire; and on a separate occasion, his tractor ran over a land-mine. Following the incident, Mr. Painter jokingly said, ''that was a waste of a perfectly good tractor.''

After the war, James returned to his cattle farm and got married to his wife of 55 years—Ms. Josephine ''Jo'' Murchison. While predominantly raising beef cattle and grain, he served his community as the President of the Caswell County Farm Bureau, a position he proudly held for 17 years. Additionally, he was a member of the NC Farm Bureau Federation Board for 23 years. He won several different agriculture awards over the years—most notably being named ''Cattleman of the Year'' in 1975—while his family received the Soil and Water Conservation Farm Family award of 1979.

In describing Mr. Painter's life, Caswell County Farm Bureau colleague Lucas Bernard wrote that, ''James Painter will be remembered for his service to his community, Caswell County agriculture, and his nation. He has been an inspiration to me by seeing and hearing about his dedication to farming and agriculture locally, as well as overseas during WWII.''

James Painter was preceded in death by his wife, Josephine, and is survived by his nieces and nephews. The Caswell County community has lost a great soul, advocate, and gentleman with Mr. Painter's passing. May he forever rest in peace.

Madam Speaker, please join me in honoring James Merimon Painter for his service to his community and his sacrifice for this Nation.

RECOGNIZING THE ANNUAL COMMEMORATION OF HOLODOMOR

HON. ANDY LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2021

Mr. LEVIN of Michigan. Madam Speaker, I rise today to recognize the annual commemoration of Holodomor, the Genocidal Famine inflicted upon the people of Ukraine by the Soviet Union in 1932 and 1933.

In the early 1930s, the Soviet Union engineered a famine to ensure the Ukrainian people could not resist Joseph Stalin's totalitarian policies. This famine, known and remembered as Holodomor, led to the deaths of at least 3.9 million people, or 13 percent of the population of Ukraine at the time. Some estimates of the number of those who died are much higher. ''Holodomor'' is a combination of the Ukrainian words ''hunger'' and ''to inflict death'', a fitting name for the tragedy that occurred.

While Soviet bureaucrats suppressed the facts of Holodomor at the time, including instructing Western journalists not to write about it, it is widely acknowledged as a genocide today. In fact, in 2018, the U.S. House of Representatives and U.S. Senate each unanimously passed resolutions citing previous declarations of Holodomor as a genocide committed by Joseph Stalin and those around him. The vibrant Ukrainian-American community in Michigan's Ninth District comes together each year in solemn commemoration of the millions of innocent lives taken and to ensure that this horrific event is never forgotten.

As a member of the Ukrainian Caucus, I am honored to stand with Ukrainian-Americans in my district and throughout our country in witness of Holodomor. I encourage my colleagues to join me in reflection and remembrance and recommit ourselves to preventing genocide anywhere on Earth in the future.

RECOGNIZING THOMAS J. GARI

HON. BRIAN K. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2021

Mr. FITZPATRICK. Madam Speaker, I rise today to recognize a notable resident within my district, Thomas J. Gari. Mr. Gari obtained a bachelor's degree in Petroleum and Natural Gas Engineering from my alma mater, the Pennsylvania State University in 1970, and later went on to achieve a master's degree in Business Administration from Villanova University in 1986. Following his education, Tom left his private sector career to join the Internal Revenue Service in 1999. In every stage of his career, Tom always worked to support and empower others, leveraging his extensive experience to identify complex case issues. find viable solutions, and produce consistent, quality results. In his final years at the IRS, Tom served as Engineering Team Manager, in which he managed all operational aspects executed by his team. Now, after more than twenty-two impressive years of dedicated government service and professional leadership, Tom is entering retirement. I am proud to recognize Thomas J. Gari as an exceptional man of character, guided by a sense to better his community and country. He has demonstrated an extraordinary ability to overcome complex challenges throughout the years as well as a steadfast dedication to supporting his colleagues. We are incredibly grateful for the positive impact that Tom has had on our community, and we wish him well in his retirement.

CONGRATULATING POLICE CHIEF MARION EUGENE SEALY, JR.

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2021

Mr. WILSON of South Carolina. Madam Speaker, I am grateful to recognize Police Chief Marion Eugene Sealy, Jr., of the City of Forest Acres for his 48 years of public service to his community. Chief Sealy will be retiring at the beginning of next year and South Carolina will be losing a great public servant.

Chief Sealy joined the Forest Acres Police Department in 1974 as a dispatcher. In 1975, he became a full-time patrol officer and shortly after was put in charge of the investigative division. Through his hard work and dedication, he became the Chief of Police of the Forest Acres Police Department in 1994.

Throughout his career in public service, Chief Sealy led the department through many hardships including the tragic death of Officer Greg Alia. He has been so encouraging to his widow Kassy Alia Ray and their son Sal as Kassy has established Serve and Connect to improve neighborhoods challenged by poverty and crime.

Through his leadership, he was able to successfully relocate the police department during the devastating 2015 thousand-year flood to ensure the community of Forest Acres had access to its police department. Working overnight with his colleagues to set up operations, he dedicated himself to the safety of his officers and staff. He has set the standard of excellence in his community and I wish him the best of luck in his future endeavors .

IN RECOGNITION OF MS. JANIS SANTOS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2021

Mr. NEAL. Madam Speaker, I would like to take this opportunity to extend my warmest congratulations to my good friend Janis Santos on her retirement following 40 years of dedicated public service to the children and families of western Massachusetts.

A pioneer in the field of early education and childhood development, Janis most recently served as CEO of Holyoke Chicopee Springfield Head Start. Through her efforts to expand Head Start's programs across the Commonwealth, Janis has played a prominent role in improving the lives of more than 1,000 young children. Her diligence in directing the only migrant, seasonal Head Start program in Massachusetts only further demonstrates her exceptional commitment to helping the most vulnerable families in our communities.

In 1973, Janis began her lifelong advocacy and action on behalf of children and families by launching one of the first early-childhood centers in Ludlow, Massachusetts. Just six years later, in recognition of her cutting-edge approach to the field, Janis was taken on as Executive Director of Holyoke Chicopee Springfield Head Start, During her expansive and impressive career, Janis has served as Chair of the Massachusetts Head Start Directors Association, the New England Head Start Association, as well as a member of the National Advisory Panel for the Head Start 2010 Project here in our nation's capital. While her myriad of leadership roles is most impressive, what I most admire about Janis is the tireless dedication she has demonstrated throughout her 40-year career to providing our youth the resources they need to succeed in the future.

Madam Speaker, in light of Janis Santos' many achievements and remarkable contributions to the early education of the children of western Massachusetts, as well as her role in shaping conversations on early education throughout the nation, I would like to thank Janis for her steadfast service, and offer my personal best wishes for a long, happy, and healthy retirement.

TRIBUTE IN MEMORY OF CONGRESSMAN LARRY HOPKINS

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2021

Mr. ROGERS of Kentucky. Madam Speaker, I rise to honor the memory of my good friend and long-time colleague in this House chamber, the gentleman from Kentucky, Larry Hopkins, who represented the people of central Kentucky for 14 years from 1979 to 1993.

Congressman Hopkins served with great charisma and humor, befriending folks in every corner of Kentucky and across Capitol Hill. Public service was second nature to

Larry; he fought diligently for investments in our communities and worked hard to pave a brighter future for Kentucky. In fact, Larry won the Republican nomination for governor in 1991 before Brereton Jones succeeded in the general election. Prior to his federal service, he was also elected to serve in both chambers of the Kentucky state legislature.

As a veteran of the U.S. Marine Corps, he led the U.S. House Armed Services Committee with invaluable insight and expertise, leading the way for military modernization. He was a true patriot and champion for our U.S. Armed Forces on that committee.

Larry and I were close friends before arriving on Capitol Hill, often traveling together, and sharing stories from home and abroad. He deeply loved the people of Kentucky and worked tirelessly to improve this great Commonwealth. I count it a great honor to have called him a friend, and I send my deepest condolences to the Hopkins family.

SUPPORTING H. RES. 789, CENSURING REP. PAUL GOSAR OF ARIZONA

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2021

Ms. MCCOLLUM. Madam Speaker, yesterday the House acted to discipline a Member for conduct that was unacceptable and in violation of all standards of decency and civility—conduct that brought disrepute to this institution. I joined 223 of my colleagues—Democrats and Republicans—in passing H. Res. 789 to officially censure Mr. PAUL GOSAR of Arizona and remove him from his assigned committees.

Mr. GOSAR recently posted on social media an animated video depicting him graphically killing a female Member of Congress—Rep. ALEXANDRIA OCASIO-CORTEZ of New York—and violently attacking President Biden: Millions of people have seen this disturbing and violent video. Incredibly, Mr. GOSAR and 207 House Republicans excused this despicable act as ''free speech'' and ''symbolic.'' Producing and disseminating a video depicting the murder of a workplace colleague, of an elected federal official, and a fellow American is not symbolic—it is a threat that is intended to intimidate and inspire violence.

Rep. ALEXANDRIA OCASIO-CORTEZ is a valued colleague who deserves to be treated with respect by all Members of Congress, even when political disagreements are significant. Mr. GOSAR's use of official resources—paid for by American taxpayers—to depict the killing of a fellow Member of Congress is abhorrent, and it is conduct that was appropriately condemned by the House of Representatives.

This is not a complicated matter. If Mr. GOSAR had shared such a video targeting a colleague in any other workplace in America, he would have been immediately terminated. While Democrats and two Republicans condemned his actions, the Republican leader and more than 200 Republican members condoned his actions, defended his conduct, and made light of a death threat against a Member of Congress.

Have Republican Members of Congress become so craven that they do not know right from wrong? Do my Republican colleagues not understand the signal this imagery sends to the American people, especially women and youth, that promoting violence—a male Member of Congress brutally murdering a woman, a female Member of Congress—is acceptable political speech? This video is not political or free speech, it is violent misogyny. The fact that it has been publicly defended by 207 Republican Members of Congress now makes such behavior part and parcel of the Republican playbook for how they intend to conduct themselves in the future.

As we all know, on January 6, 2021, a mob of thousands of insurrectionists attacked the U.S. Capitol to prevent Congress from affirming the election of Joe Biden as President of the United States. Mr. GOSAR did not refrain from embracing these insurrectionists and the violence that threated the lives of Members of Congress, U.S. Capitol Police, and our congressional staff and workforce. Now Mr. GOSAR is again embracing violence to send a political message and achieve his political goals. It is reprehensible, and this behavior is destroying our democracy. I take Mr. GOSAR's threat seriously because this conduct intentionally sends a signal to people who are more than willing to use violence to achieve political outcomes—as I experienced personally on January 6th.

Mr. GOSAR's behavior demanded censure by the U.S. House. Furthermore, I strongly encourage federal law enforcement officials to investigate this matter further to determine if his actions reach a standard of criminal conduct that merit prosecution.

Every day I work as a Member of Congress in the U.S. House is an honor. Civility is not an option; it is a duty that is necessary if we are to govern and achieve our collective goals as Americans. Republicans and Democrats can disagree—strongly disagree—but we must always remember that we are all Americans, and the American people deserve our service and actions to be conducted with dignity and respect.

CELEBRATING THE 40TH ANNIVERSARY OF THE CHURCH OF PHILADELPHIA

HON. MARC A. VEASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2021

Mr. VEASEY. Madam Speaker, I rise today to commemorate a great milestone for the Church of Philadelphia. On November 21st, the church will celebrate 40 years of ministry in Fort Worth.

The Church of Philadelphia has been a pillar of our North Texas community. This church celebrates the rich fabric of our community and welcomes people of all backgrounds to worship. Over the four decades since this church was founded by Pastor Gregory W. Spencer, the amount of growth that has occurred has been incredible. The Church has used their prosperity to give back to our community by helping all of those in need.

I want to take this opportunity to congratulate the Church of Philadelphia on their great work so far, and wish them best of luck for what is yet to come as they continue to serve communities across Fort Worth.

HONORING JUDY L. ELLER

HON. LLOYD SMUCKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2021

Mr. SMUCKER. Madam Speaker, I rise today to congratulate Judy L. Eller of Peach Bottom, Pennsylvania for her more than forty years of federal service.

Judy got her start in the civil service through a work-study program with the Social Security Administration. From there, Judy would go on to hold a number of positions throughout our federal government with the United States Army, as well as the Department of Veterans Affairs.

Beginning in 1980, Judy was employed at the U.S. Army's Research Institute for Chemical Defense in Aberdeen, Maryland, where she worked alongside military personnel in handling and dismantling chemical agents.

After her time at Aberdeen, Judy began working for the Department of Veterans Affairs in 1986, first at the Veterans Affairs Medical Center in Erie, Pennsylvania and later at other VA Medical Centers across Pennsylvania and Maryland. The highpoint of her career with the VA came when she took the position of Multi-Site Research Compliance Officer for the Fourth Veterans Integrated Services Network. Judy stayed in this role for seventeen years, lasting up until her retirement this month.

We thank Judy for the many years of dedicated service she gave to our country and its veterans. We wish her a well-deserved and restful retirement.

HONORING COMMAND SERGEANT MAJOR GARY E. GRAHAM

HON. STEVEN M. PALAZZO

OF MISSISSSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2021

Mr. PALAZZO. Madam Speaker, I rise today to honor the outstanding military service of Command Sergeant Major Gary E. Graham who will be retiring this year after over 43 years of service in the Mississippi National Guard.

CSM Graham hails from Conehatta, MS where he lives with his wife, Julie, and their children, Micah, Jessica, and Layla. I want to take the time to thank his wife and children for their strength and support as a military family.

CSM Graham served a long and impressive military career beginning in 1978 when he attended Basic Training and AIT as a Wheeled Vehicle and Generator Mechanic at Fort Jackson, SC. CSM Graham mobilized and deployed to Iraq in support of Operation Iraqi Freedom from 2003 until 2005. Upon his return from deployment, he mobilized once again and assumed the position of Task Force Magnolia CSM for Hurricane Katrina Operations. From 2006 to 2011, he was assigned as the Commandant of the 3rd NCO Academy. He was then reassigned as the 154th Regimental Training Institute CSM. In August 2011, he was hand selected for NATO HQ Sarajevo Command as the Senior Enlisted Advisor to the Military and Government leadership of the Balkan countries. From 2016 to 2017, he was appointed as the first Land Component Forces CSM. CSM Graham is currently

serving as the Garrison CSM for Camp Shelby Joint Forces Training Center.

For his outstanding service, CSM Graham has been awarded numerous prestigious awards, including the Bronze Star, Defense Joint Meritorious Service Medal, Meritorious Service Medal, Joint Service Commendation Medal, Army Commendation Medal, Army Achievement Medal, Army Reserve Components Achievement Medal, National Defense Service Medal, Iraq Campaign Medal, and many other federal and state awards.

CSM Graham perfectly embodies the official organizational march of the United States National Guard "Always Ready, Always There!" He is a true American patriot and I am honored to call him my friend and fellow Guardsman. Our military servicemembers deserve to be recognized for their commitment to our great Nation and I am grateful for his unwavering dedication to our country.

RECOGNIZING THE 25TH ANNIVERSARY OF LIFE APPLICATION MINISTRIES

HON. ANDY LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2021

Mr. LEVIN of Michigan. Madam Speaker, I rise today to recognize Life Application Ministries, which is celebrating 25 years of service to the community of Warren, Michigan.

Life Application Ministries is a historic African American congregation, inspired by enthusiasm to give back and share the love of God, and preserve morale and justice throughout the community. Life Application Ministries grew out of a bible study group that quickly garnered members throughout the 1990s.

In 1996, Bishop Adolphus L. Cast founded the ministry in a time where African American congregations were not as prevalent in the area. In moments of racial injustice, the church gracefully responded with endless love and compassion to the community. Bishop Cast's mission has been to bring racial and economic harmony to the city of Warren and his leadership has led to significant momentum in that effort over the last two and a half decades.

Throughout its history, the ministry has honorably served the Warren community with various community programs including annual food drives and blood drives, providing financial assistance to residents and businesses, assisting people in need of help with home repair and cleanup projects, as well as participating in larger city cleanup efforts. The church also offers shelter to residents in need through partnership with the Macomb County Rotating Emergency Shelter Team.

One cannot recognize Life Application Ministries without acknowledging the remarkable leaders whose everyday commitment and dedication positively impact their members, our community, and beyond. I am proud to have the honor of recognizing Life Application Ministries today and to mark this quadricentennial event for the congregation. I encourage my colleagues to join me in offering congratulations to the entire Life Application Ministries community as they celebrate twenty-five years of ministry and service in Warren, Michigan.

HONORING RUSSELL COLOMBO

HON. JARED HUFFMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2021

Mr. HUFFMAN. Madam Speaker, I rise today in recognition of Russell (Russ) Colombo as he retires from a distinguished career in financial services spanning more than four decades and culminating in his role as President and Chief Operating Officer of Bank of Marin.

Russ grew up in Marin County, CA where he graduated from San Rafael High School. He went on to earn a Bachelor of Science degree in Agricultural Economics and Business Management from the University of California, Davis and his Master of Business Administration in Banking and Finance from Golden Gate University. After twenty-nine years in banking at Comerica Bank, Security Pacific, and Union Bank in San Francisco, Russ joined Bank of Marin as Executive Vice President and Branch Administrator in 2004. After only a year at the company, he was appointed Executive Vice President and Chief Operating Officer. As President and CEO since 2006, Russ led Bank of Marin's growth into a prominent business and valued community bank in Northern California.

During his 15 years at the helm, Russ has become the face of the Bank of Marin. Under his leadership, the Bank championed honorable values of high-quality service, community engagement, and employee wellbeing. Through his local relationship-building efforts and strategic planning, including four acquisitions, Russ oversaw the growth of Bank of Marin's assets by more than $4 billion. Throughout this period of expansion, he continued to prioritize reinvesting in the local community. During the COVID–19 pandemic, Russ jumped in to meet the needs of the community, facilitating the lending of critical federal relief loans and protecting economic vitality in the region.

In a personal capacity, Russ continues to serve as Chairman of the Citizens Oversight Committee of Sonoma-Marin Area Rapid Transit (SMART). He is also a member and former board chair of the Board of the Western Bankers Association, and a former Audit Committee Member of Hanna Boys Center.

Through seasons of prosperity and difficult times, Russ never wavered from improving Bank of Marin's performance and its core mission of serving the local community. Madam Speaker, I respectfully ask that you join me in honoring Russ Colombo for his many years of effective professional and community service to Marin County and extending to him best wishes on his next endeavors.

SUPPORTING THE NUTRITION INITIATIVE TO REDUCE HEALTH DISPARITIES BY THE ACADEMY OF NUTRITION AND DIETETICS AND THE NATIONAL BAPTIST CONVENTION USA

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2021

Mr. DANNY K. DAVIS of Illinois. Madam Speaker, in late September, leaders of the National Baptist Convention USA and the Academy of Nutrition and Dietetics (or the Academy) announced a strategic partnership aimed at reducing health disparities for African Americans.

African Americans suffer disproportionately from COVID–19 deaths and other nutrition-related health disparities. Increasing access to healthy foods and addressing nutrition as a social determinant of health that prevents diabetes, heart disease, stroke, high blood pressure and obesity are the cornerstones of this partnership.

The joint initiative will consist of developing print and media resources that can be used in faith-based health ministries on issues such as diabetes, obesity, high blood pressure, heart disease, stroke, eating on a budget, and living with kidney disease. The National Baptist Convention USA will encourage member churches to incorporate these resources into new and existing programs and services, including workshops and seminars focused on biblical connections to food and nutrition.

I want to commend and thank Patricia Babjak, Chief Executive Officer of the Academy, Evelyn Crayton, a past president of the Academy and the current Chair of the National Baptist Convention Task Force on the joint nutrition partnership that is comprised of members from the National Organization of Blacks in Dietetics and Nutrition, as well as religious interest groups for their commitment and leadership to addressing health disparities. The Academy has worked closely on this significant initiative with National Baptist Convention USA President Rev. Dr. Jerry Young and Vice President Rev. Dr. William H. Foster, Jr.

This partnership recognizes the importance of enhancing the lives of African Americans and every racial and ethnic group by improving nutrition security. In my Congressional District, there are too many food deserts and places where it's easier to get access to guns than fruits and vegetables.

I urge us all to get behind this initiative, and I applaud the Academy and the National Baptist Convention USA for their lifesaving work.

PERSONAL EXPLANATION

HON. ANN M. KUSTER

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2021

Ms. KUSTER. Madam Speaker, on Tuesday, November 16, 2021 I was unable to attend votes and missed Roll Call votes No. 374, No. 375, and No. 376. Had I been present, I would have voted AYE on Roll Call vote No. 374, AYE on Roll Call vote No. 375 and AYE on Roll Call vote No. 376.

TRIBUTE TO MICHAEL W. MACKAY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2021

Mr. CALVERT. Madam Speaker, I rise to honor and congratulate Master Sergeant Michael W. MacKay who will be retiring today from the United States Marine Corps after 20 years of distinguished service. Mike was

raised in New York City and following the September 11th attacks he, like so many patriots, enlisted in the Marine Corps in November of 2001.

Mike's operational assignments include Operations Chief and Senior Enlisted Leader for the Commander of the Special Operations Command and Control Element in Africa. He also deployed to both Iraq and Afghanistan on numerous occasions between 2003 and 2017 in support of Operation Iraqi Freedom, Operation Enduring Freedom, and Operation Inherent Resolve. As a Critical Skills Operator, or Marine Raider, Mike has been stationed in Camp Lejeune, NC; Camp Pendleton, CA; and Washington, D.C. and has traveled to over 30 countries. He served as the Chief instructor of an advanced technical operations course at the Marine Raider Training Center and is a graduate of the USMC Congressional Fellowship program; USMC Combatant Diver Course; USMC Amphibious Reconnaissance Course; USMC Scout Sniper Course; U.S. Army Airborne Course; U.S. Army Special Forces Military Freefall; and the U.S. Navy Survival, Evasion, Resistance and Escape Course.

Mike graduated Suma Cum Laude from Norwich University's Bachelor of Science in Strategic Studies and Defense Analysis program. He earned a master's degree in Public Administration and Policy from American University and a graduate certificate in Legislative Studies from Georgetown University's Government Affairs Institute in Washington, D.C. He also completed the Senior Enlisted Joint Professional Military Education II and earned the Michael A. Monsoor Leadership Award from the Joint Special Operations Senior Enlisted Advisors Course. Mike's brave actions on the battlefield earned him a number of awards, including the Bronze Star Medal with Valor, Joint Service Commendation Medal (Combat), Navy and Marine Corps Commendation Medal, Army Commendation Medal, 3 Combat Action Ribbons, 2 Presidential Unit Citations, 7 Sea Service Deployment Ribbons, and 6 Marine Corps Good Conduct Medals.

With his robust, boots-on-the-ground experience serving our nation around the globe, I am honored now to have Mike as a member of my staff. Prior to serving as my national security advisor, Mike was the Chief of Staff for the Deputy Assistant Secretary of Defense of Special Operations and Combatting Terrorism and the Appropriations Liaison to the Assistant Secretary of Defense from Special Operations and Low Intensity Conflict in the Department of Defense, Undersecretary of Defense for Policy. On behalf of a grateful Nation, I thank Mike for his exemplary service in the United States Marine Corps.

COMMEMORATING THE LIFE OF WINTER THE DOLPHIN

HON. CHARLIE CRIST

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2021

Mr. CRIST. Madam Speaker, I rise today to commemorate the passing of Winter the Dolphin, in celebration of her extraordinary life, and in honor of her home and family at Clearwater Marine Aquarium in my district.

After being rescued from a crab trap in December 2005, two-month-old Winter lost her tail and had to adapt to life without it.

But Winter didn't just survive. She thrived. And with a new prosthetic tail, her resilience inspired millions around the world—including many wounded and disabled veterans.

Winter's story became the inspiration for the movies Dolphin Tale and Dolphin Tale 2. And over her life, Winter provided hope to all who met her, and brought awareness to the plight of marine mammals.

Winter's legacy is one of perseverance, courage, and environmental stewardship.

HONORING THE 155TH ANNIVERSARY OF THE FIRST BAPTIST CHURCH OF FRANKLIN

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2021

Mr. SCOTT of Virginia. Madam Speaker, I rise today to recognize the 155th anniversary of First Baptist Church of Franklin which has been a continuing source of inspiration for the community of Franklin, Virginia. The church was founded in 1866, a year after slavery was abolished in the United States. First Baptist Church of Franklin stands tall as the oldest organization of continuous existence in Franklin.

The beginnings of First Baptist Church of Franklin were one of hardship at the initial phase of the Reconstruction era. A young man of faith named Joseph Gregory was recommended to be a licensed preacher. Reverend Gregory was assigned a post to give the message of Christ to the African American members of this and other churches.

Through the following months, he started preaching in the little village of Franklin. He took initiative and organized the Cool Spring Baptist Church. The church started in a brush arbor near the Black Water River, which was donated by Tom Barrett, one of the church's members. Unfortunately, the brush arbor burned down but this did not stop the continuous work of the congregants. Under the leadership of the founding pastor, the members rebuilt and continued serving their community. Following the leadership of Reverend Gregory, First Baptist Church of Franklin has had a diverse succession of faithful servants, such as Reverend Guy Powell, Reverend M.E. Gerst, Dr. W.R. Ashburn, Reverend S.W. Timms, Reverend W.E. Sanderlin, Dr. M.C. Allen, Reverend Grover C. Lassiter, Reverend Samuel Franklyn Daly, Reverend Henry Blunt, Reverend Dr. Paige Chargois, Reverend Dr. D.S. Riddick, II and the church's current pastor, Reverend Marcus D. Jennings.

First Baptist Church of Franklin is still a pillar of the community. The organization's ministries bring essential services to the City of Franklin and its citizens. In these trying times, First Baptist Church of Franklin has shown resiliency and remains a source of inspiration for its congregants.

Madam Speaker, I congratulate the members and leaders of First Baptist Church of Franklin for their contributions to the City of Franklin for the last 155 years. The ongoing commitment to preach the gospel, give the good news and to extend faith is reflected in the rich history of the church. I commend pastor Marcus Jennings for his vision and service to his congregation, the community of Franklin, and the members of the congregation who all make a community of faith possible. I wish the church many more years of growth and prosperity.

REMEMBERING NUNZIO MERLO

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2021

Mr. RYAN. Madam Speaker, I rise today to honor the life of my friend, Nunzio Merlo, who passed away on Friday, October 17, 2021 at the age of 80.

He was born September 14, 1941 in Gioiosa Marea Sicily, Italy the son of Giuseppe and Tindara Stancampiano-Pizzo Merlo. He grew up in the mountains of Sicily with his three sisters and three brothers, his father (a sheep farmer and cheese maker) and his mother (a homemaker). Nunzio's time as a young man in Sicily was spent working as a tree trimmer and a taxi driver, and he enjoyed singing and playing guitar. He met the love of his life, Maria, in Gioiosa Marea when he was nineteen and she was seventeen. They married on August 12, 1962.

On November 13, 1965 Nunzio immigrated to America with his wife and two-year-old son to build a new life. He was always a hard worker and often worked two jobs. Nunzio was employed at National Gypsum, the same company my grandfather Rizzi worked for, General Motors Lordstown, Tauro Brother's Trucking, and the U.S. Postal Service. He was also a self-employed truck driver. He retired after 17 years working for the City of Niles Water Department in 2015.

He was a member of Our Lady of Mount Carmel Parish in Niles, where he could always be found volunteering at the church festivals and Lenten fish dinners. It wasn't an event at Mt. Carmel unless Nunzio was working. He was a member of the Sons of Italy, Niles Democratic Club, Niles Knights of Columbus Council 1681, and he played in several bocce leagues.

Nunzio's dedication to family was at the heart of everything he did. He especially enjoyed cooking Sunday dinners for his family. Nunzio enjoyed gardening and playing Italian cards with family and friends and attending his grandchildren's extracurricular activities and events. His kind heart, willingness to help others and his infectious smile will live in the memories of family and friends forever. I can truly say, Madam Speaker, I would not be in Congress today if it wasn't for Nunzio Merlo and his family. They launched my career and I will forever be grateful.

He will be sadly missed by his wife of 59 years, Maria Calabrese Merlo, his father-in-law Tindaro Calabrese of Niles, four sons: Joseph Merlo and his wife Louise of Niles, Robert Merlo and his wife Jamie of Niles, Tino Merlo and his wife Michelle of Howland, and Giovanne Merlo and his wife Monica of Niles, two sisters: Maria Merlo of Gioiosa Marea Sicily Italy, and Rosa Merlo of Cefalu, Sicily, ten grandchildren: Giuseppe Merlo (Sarah Marlinski), Nicolette Merlo, Alenna Merlo, Nunzio Merlo, Roberto Merlo, Isabella Merlo, Gianna Merlo, Tino Merlo, Emma Merlo, and Giovanne Merlo. He is also survived by many loving nieces, nephews and cousins in the U.S. and Sicily.

He was preceded in death by his parents, his mother-in-law Maria Tindara Calabrese, three brothers: Salvatore Merlo, Vincenzo Merlo, and Domenico Merlo, and a sister Giovanna Merlo.

WOMEN'S ENTREPRENEURSHIP DAY 2021

HON. GRACE MENG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2021

Ms. MENG. Madam Speaker, I rise today to speak in honor of Women's Entrepreneurship Day which is celebrated around the world each year on November 19th.

Women-owned U.S. firms make up nearly 20 percent of all firms that employ people and this number is growing. There are nearly 13 million women-owned firms and they employ close to 10 million people. As a testament to their success, women-owned firms reported revenues of nearly $1.9 trillion. This is truly astounding and shows you how vital women are to the economy. I applaud these women entrepreneurs and their economically vital businesses.

I also applaud Wendy Diamond, who has personally spearheaded the Women's Entrepreneurship Day movement. Since her campaign launched in 2013, her Women's Entrepreneurship Day Organization has annually funded one thousand impoverished women with microloans to start their entrepreneurial journey in Nicaragua, India and Africa, hosted a nationwide entrepreneurship training program for 60,000 female college students and early-stage entrepreneurs in Saudi Arabia, initiated and funded the premiere Women's Disability Cohort Pitch Competition, a visionary program that raises funding opportunities for women marginalized by their disabilities in partnership with 2Gether International, provided financial literacy education to one thousand rural women in the Philippines, and partnered with a Uruguayan university to offer scholarships to young women.

Women's Entrepreneurship Day is now celebrated in 144 countries and 65 universities and colleges internationally, with numerous global ambassadors. The Women's Entrepreneurship Day mission is to empower the nearly four billion women worldwide to be catalysts of change and uplift the over 250 million girls living in poverty around the world.

As in past years, the Women's Entrepreneurship Day Organization Pioneer Awards recognizes, and honors distinguished women who are leaders and innovators across multiple categories with inspiring accomplishments. This year's honorees include:

Cathie Wood, Founder and CEO of ARK Investment Management, LLC—Financial Pioneer Award

Jeni Britton Bauer, CEO/Founder Jeni's Splendid Ice Creams—Culinary Pioneer Award

Judith Heumann, International Disability Rights Advocate, The Heumann Perspective—Human Rights Pioneer Award

Mona Scott-Young, CEO of Monami Productions—Entertainment Pioneer Award

The Honorable Kathy Hochul, 57th & first female Governor of New York State—Government Pioneer Award

Nadja Swarovski, Chair and Founder of Atelier Swarovski and Chair of Swarovski Foundation—Fashion Pioneer Award

Dawn Dickson-Akpoghene, CEO and Founder of PopCom—Technology Pioneer Award

Madam Speaker, I urge the entire House to recognize these remarkable role models, and to celebrate Women's Entrepreneurship Day this year and every year moving forward.

SPECIAL RECOGNITION OF JACOB DEITER AND HIS VETERANS MEMORIAL EAGLE SCOUT PROJECT

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2021

Mr. LATTA. Madam Speaker, I rise today to recognize Jacob Deiter, an outstanding young man who dedicated his Eagle Scout project to our nation's veterans. Jacob went above and beyond to bring a veterans' memorial to his hometown of Van Buren, Ohio. His hard work and dedication are truly deserving of high praise.

Jacob is a 17-year-old senior at Van Buren High School and a member of Boy Scout Troop 313. In order to complete his Eagle Scout project, he spent the last two years planning and organizing the establishment of a memorial in the town square to honor the area's veterans.

Since 1775, millions of Americans have served in the United States Armed Forces. Every battle has left an impact on our nation's veterans and their families. It is important to recognize the sacrifices they made for our country. This memorial includes a sidewalk with engraved bricks honoring area veterans as well as a granite memorial stone. There are also seven flag poles, one for each branch of service along with the United States and POW flags.

Madam Speaker, I ask my colleagues to join me in congratulating Jacob Deiter for the completion of this memorial for the veterans of Van Buren. He has shown outstanding leadership in his community and is most worthy of this recognition. On behalf of the people of the Fifth District of Ohio, I wish Jacob all the best in his future endeavors.

HONORING THE RETIREMENT OF LORRAINE SULLIVAN FROM THE DEARBORN MICHIGAN SOCIAL SECURITY OFFICE

HON. DEBBIE DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2021

Mrs. DINGELL. Madam Speaker, I rise today to recognize Mrs. Lorraine Sullivan on the occasion of her retirement from the Dearborn, Michigan Social Security Office after over thirty-seven years of service to the Social Security Administration. Her significant contributions in service of our community are worthy of commendation.

Mrs. Sullivan got her start at the Social Security Administration as a Stay in School participant. She later held many titles as she worked her way up the ranks, serving as Development Claims Clerk, Claims Technical Expert, Operations Supervisor and now, District Manager of the Dearborn Field Office. The recipient of two Regional Commission Citations, her excellence in service is evident through her work as a leader in the office. Dedicated to improving the conditions of the workplace, she is an advocate for diversity and inclusion within her office and celebrates the diversity of her staff, encouraging them to present developmental trainings on various topics.

Known by others for her can-do attitude and willingness to help others, her staff describes her as a fair, straightforward, and empathic manager. Always looking for a way to uplift her staff, she has encouraged and mentored many team members who have gone on to become leaders in their own right. Outside of work, she enjoys travelling, dancing, and spending time with her loving family, including her granddaughter Carlaheyah. Mrs. Sullivan and her husband Carl Sullivan have two sons, Theo and Carl. An active member of Mount Olive Baptist Church—the church where she and Carl married twenty-three years ago, she is an enthusiastic volunteer and member of the choir.

Madam Speaker, I ask my colleagues to join me in honoring Lorraine Sullivan for her dedicated service to the Dearborn Michigan Social Security Office. We are grateful for her years spent serving countless Michiganders and her legacy will live on through the numerous staff members that she has mentored. I join with Lorraine's family, friends, and colleagues in extending my best wishes to her in retirement.

FTC INVESTIGATING BIG OIL

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2021

Ms. KAPTUR. Madam Speaker, I rise today in support of President Biden's call for the FTC to investigate the world's largest oil companies that appear to be engaging in egregious price manipulation of oil and gasoline prices.

In August, Big Oil started substantially reducing production—a bizarre move as our economy was surging forward after the pandemic downturn.

At a time when oil production costs are going down, and unprocessed gasoline awaits distilling, Big Oil is driving prices up—and reaping the benefits. The two biggest companies are on pace to double their income since 2019. This is outrageous.

It appears corporate fat cats are padding their own wallets at the expense of our national wellbeing. Enough is enough.

The FTC should take a deep dive into Big Oil—and put a stop to any nefarious behavior that is harming hardworking Americans.

I applaud President Biden's call for action—and hope to see enforcement soon.

RECOGNIZING THE SERVICE AND SACRIFICES OF THE TRANSPORTATION SECURITY ADMINISTRATION'S EMPLOYEES AND OFFICERS ON THE 20TH ANNIVERSARY OF TSA'S ESTABLISHMENT

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2021

Mr. THOMPSON of Mississippi. Madam Speaker, I join with the Ranking Member of the House Homeland Security Committee, JOHN KATKO, and Transportation and Maritime Security Subcommittee Chairwoman BONNIE WATSON COLEMAN and Ranking Member CARLOS GIMENEZ, to mark tomorrow's 20th anniversary of the establishment of the Transportation Security Administration.

Following the devastating attacks of September 11, 2001, Federal authorities undertook the massive effort to safeguard and defend our national transportation system. In the past two decades, TSA has implemented advanced security technologies, responded to new and ever-changing threats, and protected the lives of billions of passengers from around the country and across the globe. Today, even amid the dangers of the COVID–19 pandemic, Transportation Security Officers, Federal Air Marshals, Transportation Security Inspectors, and other TSA employees continue to serve on the front lines and protect the lives of passengers and the security of cargo traveling by air, sea, road, and rail.

I include in the RECORD the text of a resolution recognizing the service and sacrifices of TSA's employees and officers on the 20th anniversary of TSA's establishment.

RESOLUTION

Recognizing the service and sacrifices of the Transportation Security Administration's employees and officers on the occasion of the 20th anniversary of the establishment of TSA and the role TSA's employees and officers play in keeping our Nation secure.

Whereas November 19, 2021, marks the 20th anniversary of the enactment of the Aviation and Transportation Security Act (Public Law 107–71), which amended title 49, United States Code, to establish the Transportation Security Administration (TSA);

Whereas the TSA was established following the September 11, 2001, terrorist attacks, with the mission to secure transportation systems and restore confidence in air travel;

Whereas for 20 years TSA employees and officers have bravely served on the front lines keeping our skies and the traveling public safe, even in the face of targeted attacks such as that which took the life of Officer Gerardo Hernandez;

Whereas the TSA has remained on the front lines at our Nation's airports throughout the COVID–19 pandemic;

Whereas the TSA has had over 10,000 employees test positive for COVID–19, with 32 TSA employees having lost their lives from March 2020 through October 2021;

Whereas since its establishment, TSA employees and officers have endeavored to improve security domestically and internationally, across all modes of transportation, against a wide range of evolving physical and cyber threats; and

Whereas Americans will continue to look to TSA to be vigilant in the face of known and emerging threats: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes—

(A) the service and sacrifices of the TSA's employees and officers on the occasion of the 20th anniversary of the establishment of TSA; and

(B) the role TSA's employees and officers play in keeping our Nation secure; and

(2) encourages all Americans to observe TSA's 20th anniversary with appropriate ceremonies and activities.

HONORING JANICE SIEGEL ON HER RETIREMENT

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2021

Mr. NADLER. Madam Speaker, I rise to honor the work and dedication of my longest-serving congressional staff person—Janice Siegel.

Janice worked with me and a small group of people on the brief but intense campaign to fill the vacancy left by Ted Weiss in 1992. She came with me to Washington, D.C., to set up my office and staff for my first term and stayed with my office for 29 years. As my Director of Operations, Janice provided sound advice on complicated budget, ethics, and personnel matters. Her careful, methodical approach to financial matters has served the office well and has saved us tens of thousands of dollars over the years. Janice also managed my D.C. schedule for more than twenty years, made countless train/plane/and hotel reservations for me, and tracked every penny of our Members' Representational Allowance. Perhaps most importantly she made sure we never overspent our MRA, and, therefore, I was never asked to pay for any office expenses from my own pocket. I thank her for that.

Janice also coordinated numerous office moves over her career in the House and worked on everything from the color of the carpet, walls and drapes, to the purchasing of equipment, and movement of phones and computers throughout the House complex. She was well known throughout the House by the many hundreds of people she worked with on all these matters over the years.

Janice not only served my office well, but she was a real asset to the House of Representatives as a whole and helped with numerous House-wide initiatives to make the House operate more efficiently and effectively.

Janice founded the Professional Administrative Managers (PAM) organization, and as its leader she organized a number of large meetings which brought staff together with House Administrative officials to discuss the implementation of new policies and procedures related to House operations. In addition, she worked with the Office of the Inspector General to create a "Financial Administrators Curriculum" which is now offered by the Congressional Staff Academy. Her organization included offices from both sides of the aisle and its influence was felt by the leaders of House Administration who frequently sought input and advice from the group. She was in regular contact with the various Chief Administrative Officers (CAO) of the House, the C.F.O., and the Directors of Payroll during her time on the Hill. These relationships gave her access to information and resources that were very helpful to our office.

On another note, Janice has always cared about me personally, about my reputation, and especially about my personal safety. Over the years, Janice made sure the Capitol Police were aware of the threats against me and took additional steps to enhance my safety. She has had my interests in mind as she made spending and ethics decisions and was driven by a strong sense or right and wrong that kept me out of trouble for her entire tenure. As she was fond of saying, her job was to keep me OUT of the news. Meaning, she never wanted there to be a news story that we were not running the office ethically or in a financially sound manner.

Finally. Janice is a compassionate, caring person who has a touch for and a real understanding of the importance of nice gestures. She takes the initiative to make suggestions for reaching out to people, especially when they are sick or someone close to them has recently passed away. She is thoughtful and considerate of others when it matters most. I appreciate all she has done over the years to connect with people facing trying times.

I would be remiss if I did not mention Janice's family and her husband, Frank Mumford. Janice is a wonderful daughter, sister, and wife and mentioned her family often while at work. She cared for her father when he became ill and moved into her home, and helped her sister get the help she needed to get treatment for cancer. She and Frank supported each other through tough times and were always there for one another. She is lucky to have Frank by her side.

Janice herself is a breast cancer survivor and she worked in our office all through her own treatment. She faced the diagnosis bravely and unafraid. She has always been a strong supporter of breast cancer research and funding and was always looking for ways for us to get involved and be supportive of the cause. We know that the loss of her mother to the disease when she was just a child affected her deeply. We imagine her mother would be proud to see her daughter working in Congress, supporting efforts to increase funding for breast cancer research, working for a Member from New York City, and doing so with such distinction and for such a long period of time.

I know I am proud of the work she has done for us and want to sincerely thank her for everything she has done for me.

We will miss Janice. We wish her all the best in her retirement.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S8407–S8541

Measures Introduced: Thirty-seven bills and four resolutions were introduced, as follows: S. 3231–3267, S.J. Res. 31, and S. Res. 456–458. **Pages S8446–48**

Measures Considered:

National Defense Authorization Act—Agreement: Senate continued consideration of the motion to proceed to consideration of H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year. **Pages S8407–30, S8430–36**

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill, post-cloture, at approximately 10 a.m., on Friday, November 19, 2021; and that all time during adjournment, morning business, recess, and Leader time count post-cloture. **Pages S8540–41**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report on the issuance of an Executive Order that terminates the national emergency declared in Executive Order 13712 of November 22, 2015, with respect to Burundi, and revokes that Executive Order; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–18) **Pages S8445–46**

Nominations Confirmed: Senate confirmed the following nominations:

Julianne Smith, of Michigan, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador. **Page S8430**

Charles F. Sams III, of Oregon, to be Director of the National Park Service. **Page S8436**

Lee Satterfield, of South Carolina, to be an Assistant Secretary of State (Educational and Cultural Affairs).

Jeffrey M. Hovenier, of Washington, to be Ambassador to the Republic of Kosovo. **Page S8540**

Nominations Received: Senate received the following nominations:

Andre B. Mathis, of Tennessee, to be United States Circuit Judge for the Sixth Circuit.

Alison J. Nathan, of New York, to be United States Circuit Judge for the Second Circuit. **Page S8541**

Messages from the House: **Page S8446**

Measures Referred: **Page S8446**

Executive Communications: **Page S8446**

Executive Reports of Committees: **Page S8446**

Notice of a Tie Vote Under S. Res. 27: **Pages S8436–37**

Additional Cosponsors: **Pages S8448–53**

Statements on Introduced Bills/Resolutions: **Pages S8453–55**

Additional Statements: **Pages S8441–45**

Amendments Submitted: **Pages S8455–S8540**

Authorities for Committees to Meet: **Page S8540**

Privileges of the Floor: **Page S8540**

Adjournment: Senate convened at 10 a.m. and adjourned at 10:14 p.m., until 10 a.m. on Friday, November 19, 2021. (For Senate's program, see the remarks of the Majority Leader in today's Record on pages S8540–41.)

Committee Meetings

(Committees not listed did not meet)

NOMINATION

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the nomination of Saule T. Omarova, of New York, to be Comptroller of the Currency, after the nominee testified and answered questions in her own behalf.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the following business items:

S. 172 and H.R. 1664, bills to authorize the National Medal of Honor Museum Foundation to establish a commemorative work in the District of Columbia and its environs;

S. 180, to withdraw certain Bureau of Land Management land from mineral development;

S. 270, to amend the Act entitled ''Act to provide for the establishment of the Brown v. Board of Education National Historic Site in the State of Kansas'' to provide for inclusion of additional related sites in the National Park System, with an amendment;

S. 491, to amend the Wild and Scenic Rivers Act to designate certain river segments in the York River watershed in the State of Maine as components of the National Wild and Scenic Rivers System;

S. 535, to authorize the location of a memorial on the National Mall to commemorate and honor the members of the Armed Forces that served on active duty in support of the Global War on Terrorism, with an amendment;

H.R. 297, to require the Secretary of Agriculture to conduct a study on the establishment of, and the potential land that could be included in, a unit of the National Forest System in the State of Hawaii;

S. 569, to direct the Secretary of Agriculture to transfer certain National Forest System land to the State of South Dakota, with an amendment;

S. 609, to withdraw the National Forest System land in the Ruby Mountains subdistrict of the Humboldt-Toiyabe National Forest and the National Wildlife Refuge System land in Ruby Lake National Wildlife Refuge, Elko and White Pine Counties, Nevada, from operation under the mineral leasing laws;

S. 753, to reauthorize the Highlands Conservation Act, to authorize States to use funds from that Act for administrative purposes, with an amendment;

S. 904, to require the Secretary of the Interior, the Secretary of Agriculture, and the Assistant Secretary of the Army for Civil Works to digitize and make publicly available geographic information system mapping data relating to public access to Federal land and waters for outdoor recreation, with an amendment in the nature of a substitute;

S. 1317, to modify the boundary of the Sunset Crater Volcano National Monument in the State of Arizona;

S. 1320, to establish the Chiricahua National Park in the State of Arizona as a unit of the National Park System, with an amendment in the nature of a substitute;

S. 1354, to amend the National Trails System Act to designate the Chilkoot National Historic Trail and to provide for a study of the Alaska Long Trail, with amendments;

S. 1583, to reauthorize the Lake Tahoe Restoration Act;

S. 1589, to designate certain land administered by the Bureau of Land Management and the Forest Service in the State of Oregon as wilderness and national recreation areas, to withdraw certain land located in Curry County and Josephine County, Oregon, from all forms of entry, appropriation, or disposal under the public land laws, location, entry, and patent under the mining laws, and operation under the mineral leasing and geothermal leasing laws;

S. 1620, to direct the Secretary of the Interior to convey to the city of Eunice, Louisiana, certain Federal land in the State of Louisiana;

S. 1964, to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide for the establishment of a Ski Area Fee Retention Account, with an amendment in the nature of a substitute;

S. 2158, to extend the authorization for the Cape Cod National Seashore Advisory Commission, with an amendment;

S. 2433, to require the Secretary of the Interior to develop and maintain a cadastre of Federal real property, with an amendment in the nature of a substitute;

S. 2490, to establish the Blackwell School National Historic Site in Marfa, Texas;

S. 2524, to amend the Alaska Native Claims Settlement Act to exclude certain payments to aged, blind, or disabled Alaska Natives or descendants of Alaska Natives from being used to determine eligibility or certain programs;

H.R. 1192, to impose requirements on the payment of compensation to professional persons employed in voluntary cases commenced under title III of the Puerto Rico Oversight Management and Economic Stability Act (commonly known as ''PROMESA''), with an amendment in the nature of a substitute;

H.R. 2497, to establish the Amache National Historic Site in the State of Colorado as a Unit of the National Park System, with amendments;

An original bill to reauthorize funding for certain National Heritage Areas; and

The nomination of Sara C. Bronin, of Connecticut, to be Chairman of the Advisory Council on Historic Preservation.

VACCINE DIPLOMACY

Committee on Foreign Relations: Subcommittee on Western Hemisphere, Transnational Crime, Civilian Security, Democracy, Human Rights, and Global

Women's Issues concluded a hearing to examine vaccine diplomacy in Latin America and the Caribbean, focusing on the importance of United States engagement, after receiving testimony from Kevin O'Reilly, Deputy Assistant Secretary of State, Bureau of Western Hemisphere Affairs; Peter Natiello, Acting Assistant Administrator for Latin America and the Caribbean, United States Agency for International Development; Arachu Castro, Tulane University School of Public Health and Tropical Medicine, New Orleans, Louisiana; and Daniel A. Restrepo, Center for American Progress, and Daniel F. Runde, Center for Strategic and International Studies, both of Washington, D.C.

NOMINATIONS

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nominations of Erik Adrian Hooks, of North Carolina, to be Deputy Administrator, Federal Emergency Management Agency, Department of Homeland Security, Michael Kubayanda, of Ohio, to be a Commissioner of the Postal Regulatory Commission, Laurel A. Blatchford, of the District of Columbia, to be Controller, Office of Federal Financial Management, Office of Management and Budget, and Ebony M. Scott, and Donald Walker Tunnage, both to be an Associate Judge of the Superior Court of the District of Columbia, who were introduced by Representative Holmes Norton, after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 2629, to establish cybercrime reporting mechanisms; and

The nominations Cindy K. Chung, to be United States Attorney for the Western District of Pennsylvania, and Gary M. Restaino, to be United States Attorney for the District of Arizona, both of the Department of Justice.

DISASTER MANAGEMENT

Special Committee on Aging: Committee concluded a hearing to examine inclusive disaster management, focusing on improving preparedness, response, and recovery, after receiving testimony from Danielle Koerner, Delaware County Department of Emergency Services, Rutledge, Pennsylvania; Sue Anne Bell, University of Michigan Institute for Healthcare Policy and Innovation and School of Nursing, Ann Arbor; Wanda Raby Spurlock, Southern University and A&M College, Baton Rouge, Louisiana; and Randy Creamer, South Carolina Voluntary Organizations Active in Disaster, Columbia.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 42 public bills, H.R. 6014–6055; and 17 resolutions, H.J. Res. 66; H. Con. Res. 62; and H. Res. 804–818, were introduced. **Pages H6605–08**

Additional Cosponsors: **Pages H6610–11**

Report Filed: A report was filed today as follows:

H. Res. 803, providing for further consideration of the bill (H.R. 5376) to provide for reconciliation pursuant to title II of S. Con. Res. 14 (H. Rept. 117–175). **Page H6605**

Speaker: Read a letter from the Speaker wherein she appointed Representative Clark (MA) to act as Speaker pro tempore for today. **Page H6373**

Build Back Better Act: The House considered H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14. Consideration is expected to resume tomorrow, November 19th. **Pages H6375–H6595**

Pursuant to House Resolution 803, the further amendment printed in House Report 117–175 is considered as adopted. **See next issue**

Pursuant to House Resolution 774, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 117–18, modified by Rules Committee Print 117–19, shall be considered as adopted. **Pages H6375–H6576**

H. Res. 803, the rule providing for further consideration of the bill (H.R. 5376) was agreed to by a yea-and-nay vote of 220 yeas to 211 nays, Roll No. 383, after the previous question was ordered by a yea-and-nay vote of 220 yeas to 210 nays, Roll No. 382. **Pages H6598–H6605**

H. Res. 774, the rule providing for consideration of the bill (H.R. 5376) was agreed to Saturday, November 6th.

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures. Consideration began Tuesday, November 16th.

Amending title 38, United States Code, to establish in the Department of Veterans Affairs an Advisory Committee on United States Outlying Areas and Freely Associated States: H.R. 3730, amended, to amend title 38, United States Code, to establish in the Department of Veterans Affairs an Advisory Committee on United States Outlying Areas and Freely Associated States, by a ⅔ yea-and-nay vote of 420 yeas to 4 nays, Roll No. 380; and **Page H6596**

TSA Reaching Across Nationalities, Societies, and Languages to Advance Traveler Education Act: H.R. 5574, amended, to require the TSA to develop a plan to ensure that TSA material disseminated in major airports can be better understood by more people accessing such airports, by a ⅔ yea-and-nay vote of 369 yeas to 49 nays, Roll No. 381. **Pages H6597–98**

Recess: The House recessed at 1:33 p.m. and reconvened at 6 p.m. **Page H6598**

Presidential Message: Read a message from the President wherein he notified Congress that the national emergency with respect to Burundi that was declared in Executive Order 13712 of November 22, 2015 is to be terminated—referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 117–76). **Page H6598**

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H6375.

Quorum Calls—Votes: Four yea-and-nay votes developed during the proceedings of today and appear on pages H6596 and H6597–98.

Adjournment: The House met at 10 a.m. and adjourned at 5:11 a.m.

Committee Meetings

PERSONNEL IS POLICY: UN ELECTIONS AND US LEADERSHIP IN INTERNATIONAL ORGANIZATIONS

Committee on Foreign Affairs: Subcommittee on International Development, International Organizations and Global Corporate Social Impact held a hearing entitled ''Personnel is Policy: UN Elections and US Leadership in International Organizations''. Testimony was heard from Erica Barks-Ruggles, Senior Bureau Official, Bureau of International Organization Affairs, Department of State.

BUILD BACK BETTER ACT

Committee on Rules: Full Committee held a hearing on H.R. 5376, the ''Build Back Better Act''. The Committee granted, by record vote of 9–3, a rule providing for further consideration of H.R. 5376, the ''Build Back Better Act''. The rule provides that the further amendment printed in the Rules Committee Report shall be considered as adopted.

MODERNIZING VA'S MEDICAL SUPPLY CHAIN: PROGRESS MADE?

Committee on Veterans' Affairs: Subcommittee on Oversight and Investigations; and Subcommittee on Technology Modernization held a joint hearing entitled ''Modernizing VA's Medical Supply Chain: Progress Made?''. Testimony was heard from Michael D. Parrish, Principal Executive Director, Office of Acquisition, Logistics, and Construction, Department of Veterans Affairs; Shelby Oakley, Director of Contracting and National Security Acquisitions, Government Accountability Office; and Leigh Ann Searight, Deputy Assistant Inspector General, Office of Inspector General, Department of Veterans Affairs.

TRIBAL VOICES, TRIBAL WISDOM: STRATEGIES FOR THE CLIMATE CRISIS

Select Committee on the Climate Crisis: Full Committee held a hearing entitled ''Tribal Voices, Tribal Wisdom: Strategies for the Climate Crisis''. Testimony was heard from public witnesses.

Joint Meetings

CONFRONTING THE KREMLIN AND COMMUNIST CORRUPTION

Commission on Security and Cooperation in Europe: Commission concluded a hearing to examine confronting the Kremlin and Communist corruption, after receiving testimony from Representatives Malinowski and Salazar; Leonid Volkov, Chief of Staff to Alexei Navalny, Vilnius, Lithuania; and Elaine K. Dezenski, Foundation for Defense of Democracies, and Scott Greytak, Transparency International U.S. Office, both of Washington, D.C.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1258)*

S. 921, to amend title 18, United States Code, to further protect officers and employees of the United States. Signed on November 18, 2021. (Public Law 117–59)

S. 1502, to make Federal law enforcement officer peer support communications confidential. Signed on November 18, 2021. (Public Law 117–60)

S. 1511, to amend the Omnibus Crime Control and Safe Streets Act of 1968 with respect to payments to certain public safety officers who have become permanently and totally disabled as a result of personal injuries sustained in the line of duty.

Signed on November 18, 2021. (Public Law 117–61)

COMMITTEE MEETINGS FOR FRIDAY, NOVEMBER 19, 2021

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No hearings are scheduled.

Next Meeting of the **SENATE**

10 a.m., Friday, November 19

Senate Chamber

Program for Friday: Senate will continue consideration of the motion to proceed to consideration of H.R. 4350, National Defense Authorization Act, post-cloture.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

8 a.m., Friday, November 19

House Chamber

Program for Friday: Complete consideration of H.R. 5376—Build Back Better Act.

Extensions of Remarks, as inserted in this issue

HOUSE

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